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## September 17, 2016 (Pages 5877-5990)

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# PENNSYLVANIA BULLETIN

Volume 46  
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Number 38  
Pages 5877—5990

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Department of Banking and Securities

Department of Environmental Protection

Department of General Services

Department of Health

Department of Human Services

Department of Revenue

Department of Transportation

Environmental Hearing Board

Fish and Boat Commission

Independent Regulatory Review Commission

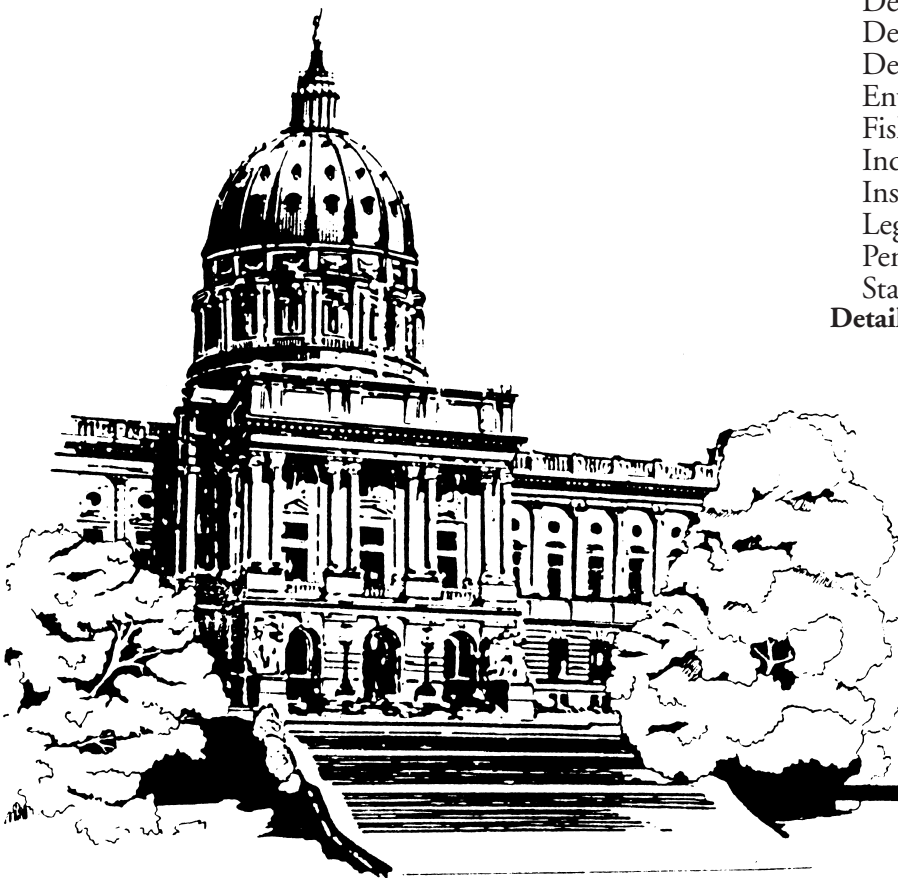
Insurance Department

Legislative Reference Bureau

Pennsylvania Public Utility Commission

State Board of Nursing

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 502, September 2016**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give the history of regulations. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised. A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2016.

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CHS. 9 AND 19 ]

#### Proposed Amendments to Pa.R.A.P. 905, 1922 and 1925

In 2007, the Pennsylvania Supreme Court enacted significant amendments to Pa.R.A.P. 1925. In the ensuing years, the Appellate Court Procedural Rules Committee has monitored the development of the case law under that rule and has listened to the comments from the bench and the bar. Because various aspects of the rule present potential and actual waiver concerns, the Committee proposes to amend Pa.R.A.P. 1925, with corollary amendments to Pa.R.A.P. 905 and 1922.

The Committee is proposing four significant changes, three to Pa.R.A.P. 1925 and one to Pa.R.A.P. 1922. *First*, the Committee proposes to amend Pa.R.A.P. 1925(b) so that in cases where a party has been ordered to file a statement of errors complained of on appeal (“Statement”) but cannot do so accurately because a transcript has not been prepared despite the party’s timely and proper request for its preparation, that party can secure an extension to file the Statement until the transcript is entered on the docket by filing a single request for an extension. *Second*, the Committee proposes to remove the requirement in Pa.R.A.P. 1925(b) to serve the Statement on the trial judge. *Third*, for all appeals except criminal appeals, the Committee proposes changing the standard for waiver in Pa.R.A.P. 1925(b), so that waiver will not occur unless a deficiency in a Statement “interferes with or effectively precludes appellate review.” *Fourth*, the Committee proposes to amend Pa.R.A.P. 1922 to require that transcripts be entered on the docket as soon as completed and paid for, with notice of that entry sent to all parties. The Committee also proposes a process for correcting errors in the transcript as well as raising objections to the transcript, and proposes to remove the five-day deadline for objections. The changes described above require a slight modification to Pa.R.A.P. 905.

The Committee invites all interested persons to submit comments, suggestions, or objections.

Comments should be provided to:

Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P.O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
FAX: (717) 231-9551  
appellaterules@pacourts.us

All communications in reference to the proposal should be received by October 21, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any emailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

An Explanatory Comment precedes the proposed amendments and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

KEVIN J. McKEON,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 905. Filing of Notice of Appeal.

##### (a) *Filing with clerk.*

(1) Two copies of the notice of appeal, the order for transcript, if any, and the proof of service required by [ **Rule 906 (service of notice of appeal)** ] **Pa.R.A.P. 906**, shall be filed with the clerk of the trial court. If the appeal is to the Supreme Court, the jurisdictional statement required by [ **Rule** ] **Pa.R.A.P. 909** shall also be filed with the clerk of the trial court.

(2) If the appeal is a children’s fast track appeal, [ **the** ] **a** concise statement of errors complained of on appeal as described in [ **Rule** ] **Pa.R.A.P. 1925(a)(2)** shall be filed with the notice of appeal and served **on the trial judge** in accordance with [ **Rule 1925(b)(1)** ] **Pa.R.A.P. 906(a)(2)**.

(3) Upon receipt of the notice of appeal, the clerk shall immediately stamp it with the date of receipt, and that date shall constitute the date when the appeal was taken, which date shall be shown on the docket.

(4) If a notice of appeal is mistakenly filed in an appellate court, or is otherwise filed in an incorrect office within the unified judicial system, the clerk shall immediately stamp it with the date of receipt and transmit it to the clerk of the court which entered the order appealed from, and upon payment of an additional filing fee the notice of appeal shall be deemed filed in the trial court on the date originally filed.

(5) A notice of appeal filed after the announcement of a determination but before the entry of an appealable order shall be treated as filed after such entry and on the day thereof.

(b) *Transmission to appellate court.*—The clerk shall immediately transmit to the prothonotary of the appellate court named in the notice of appeal a copy of the notice of appeal [ **showing the date of receipt, the related proof of service** ] and **all attachments, as well as a receipt showing collection of any docketing fee in the appellate court required under [ Subdivision ] paragraph (c)**. If the appeal is a children’s fast track appeal, the clerk shall stamp the notice of appeal with a “Children’s Fast Track” designation in red ink, advising the appellate court that the appeal is a children’s fast track appeal, and **the clerk shall also** transmit to the prothonotary of the appellate court named in the notice of appeal the concise statement of errors complained of on

appeal required by [ Subdivision ] paragraph (a)(2) of this rule. The clerk shall also transmit with such papers:

1. [ a copy of any order for transcript; ] copies of all orders for transcripts relating to orders on appeal;

2. a copy of any verified statement, application, or other document filed under [ Rule 551 through Rule 561 ] Pa.R.A.P. 551—561 relating to *in forma pauperis*; and

3. if the appeal is to the Supreme Court, the jurisdictional statement required by [ Rule ] Pa.R.A.P. 909.

(c) *Fees*.—The appellant upon filing the notice of appeal shall pay any fees therefor (including docketing fees in the appellate court) prescribed by Chapter 27 [ (fees and costs in appellate courts and on appeal) ].

**Official Note:** Insofar as the clerk or prothonotary of the [ lower ] trial court is concerned, the notice of appeal is for all intents and purposes a writ in the nature of *certiorari* in the usual form issued out of the appellate court named therein and returnable thereto within the time prescribed by Chapter 19 [ (preparation and transmission of record and related matters) ].

To preserve a mailing date as the filing date for an appeal as of right from an order of the Commonwealth Court, see [ Rule ] Pa.R.A.P. 1101(b).

As to number of copies, see [ note to Rule 124 (form of papers; number of copies) ] Pa.R.A.P. 124, note. The appellate court portion of the filing fee will be transmitted pursuant to regulations adopted under 42 Pa.C.S. § 3502 [ (financial regulations) ].

[ Pending adoption of such rules the subject is regulated by Paragraph 4 of the Order amending this rule, which provides as follows:

“4. Pending adoption of initial regulations under 42 Pa.C.S. § 3502 (financial regulations), the docketing fee (currently \$12 in the Supreme Court and the Superior Court and \$25 in the Commonwealth Court) paid through the clerk or prothonotary of the lower court pursuant to Rule 905(c) (fees) of the Pennsylvania Rules of Appellate Procedure shall be transmitted as follows:

(a) If the docketing fee is tendered by check payable to the appellate prothonotary, the clerk or prothonotary of the lower court shall transmit the check pursuant to Rule 905(b).

(b) If the docketing fee is tendered by check payable to the clerk of prothonotary of the lower court he or she shall endorse it without recourse to the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).

(c) If the docketing fee is tendered in cash the clerk or prothonotary of the lower court shall draw a check in like amount on the account of such clerk or prothonotary to the order of such clerk or prothonotary to the order of the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).

(d) In matters arising under 42 Pa.C.S. § 723 (appeals from the Commonwealth Court), the

appellant shall tender the docketing fee in the Supreme Court to the Prothonotary of the Commonwealth Court by check payable to the order of the Prothonotary of the Supreme Court, which shall be transmitted pursuant to Rule 905(b).” ]

The better practice will be to pay the fee for filing the notice of appeal in the [ lower ] trial court and the docketing fee in the appellate court by separate checks payable to the respective clerks or prothonotaries.

[ The 1982 amendment to Subdivision (a) corrects deficiencies in previous practice which were illustrated in *State Farm Mutual Auto. Ins. Co. v. Schultz*, 281 Pa. Super. 212, 421 A.2d 1224 (1980). ]

## CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

### RECORD ON APPEAL FROM LOWER COURT

#### Rule 1922. Transcription of Notes of Testimony.

[ (a) *General rule*.—Upon receipt of the order for transcript and any required deposit to secure the payment of transcript fees the official court reporter shall proceed to have his notes transcribed, and not later than 14 days after receipt of such order and any required deposit shall lodge the transcript (with proof of service of notice of such lodgment on all parties to the matter) with the clerk of the trial court. Such notice by the court reporter shall state that if no objections are made to the text of the transcript within five days after such notice, the transcript will become a part of the record. If objections are made the difference shall be submitted to and settled by the trial court. The trial court or the appellate court may on application or upon its own motion shorten the time prescribed in this subdivision.

#### (b) *Diminution of transcription.*

(1) In civil cases, an application for an order providing that less than the entire proceedings shall be transcribed may be made to the trial court by any party within two days after the order for transcript is filed. A party shall have the right to require that any specified part of the notes of testimony or recordings be transcribed, subject to the applicable requirements for the payment of transcript fees.

(2) In criminal cases, diminution of transcription shall be in accordance with Rule 115 of the Pennsylvania Rules of Criminal Procedure (recording and transcribing court proceedings).

(3) In any case, untranscribed notes or recordings shall not be part of the record on appeal for any purpose.

(c) *Certification and filing*.—The trial judge shall examine any part of the transcript as to which an objection is made pursuant to subdivision (a) of this rule or which contains the charge to the jury in a criminal proceeding, and may examine any other part of the transcript, and after such examination and notice to the parties and opportunity for objection (unless previously given) shall correct such transcript. If the trial judge examines any portion of the transcript, he shall certify thereon, by reference to the page and line numbers or the



equivalent, which portions thereof he has read and corrected. If no objections are filed to the transcript as lodged, or after any differences have been settled or other corrections have been made by the court, the official court reporter shall certify the transcript, and cause it to be filed with the clerk of the lower court.]

(a) *Request for Transcripts.*—An appellant may file a request for transcripts under Pennsylvania Rule of Judicial Administration 4007 prior to or concurrent with the notice of appeal. If a deposit is required, the appellant shall make the deposit at the time of the request for the transcript unless the appellant is requesting a waiver of the cost because of economic hardship. Unless another Rule of Appellate Procedure provides a shorter time, the court reporter shall provide the trial judge with the transcript within 14 days of the request for transcript. When the appellant receives notice under Rule of Judicial Administration 4007(D)(3) that the transcript has been prepared, the appellant has 14 days to pay the final balance in compliance with that rule.

(b) *Filing of the Transcript.*—When the transcript is delivered to the filing office and the parties under Pennsylvania Rule of Judicial Administration 4007(D)(4), the transcript shall be entered on the docket.

(c) *Corrections to Transcript.*—If a transcript contains an error or is an incomplete representation of the proceedings, the omission or misstatement may be corrected by the following means:

(1) By objection. A party may file a written objection to the filed transcript. Any party may answer the objection. The trial court shall resolve the objections and then direct that the transcript as corrected be made a part of the record and transmitted to the appellate court.

(2) By stipulation of the parties filed in the trial court. If the trial court clerk has already certified the record, the parties shall file in the appellate court a copy of any stipulation filed pursuant to this rule, and the trial court shall direct that the transcript as corrected be made a part of the record and transmitted to the appellate court.

(3) By the trial court or, if the record has already been transmitted to the appellate court by the appellate court or trial court on remand, with notice to all parties and an opportunity to respond.

(d) *Emergency appeals.*—Where the exigency of the case is such as to impel immediate consideration in the appellate court, the trial judge shall take all action necessary to expedite the preparation and transmission of the record notwithstanding the usual procedures prescribed in this chapter or in the Rules of Judicial Administration. [ Pending action by the lower court under this subdivision any party may proceed in the appellate court under Rule 1923 (statement in absence of transcript) and may append to any filing in the appellate court as much of the record below as the party desires to bring to the attention of the appellate court. ]

[ *Official Note:* Based in part upon former Supreme Court Rule 56, former Superior Court Rule 46, and former Commonwealth Court Rule 25 and the act of May 11, 1911 (P.L. 279, No. 179), § 4 (12

P.S. § 1199). The 14 day requirement is designed to fix an objective standard to guide the official court reporter and the lower court, so as to permit the settling of any objections by the lower court and the physical preparation and transmission by the clerk of the record within the 40 day period fixed by Rule 1931 (transmission of the record). Although under these rules a writ of certiorari is no longer issued, the requirements of these rules have the effect of a Supreme Court order, and the lower court is expected to give the transcription of notes of testimony under this rule priority over unappealed matters in the lower court.

The certification requirement of subdivision (c) recognizes that in practice the trial judge ordinarily will not actually read the transcript prior to certification unless objection is made by one of the parties. However, the rule requires the judge to review and correct the charge in criminal cases, to avoid the problems which arise when a later attempt is made by the trial judge under Rule 1926 (correction and modification of the record) to conform the transcript to his recollection of events.]

*Official Note:* Depending on the order issued by the trial court a party may wish to seek appellate review of an order under paragraph c by application or in the merits brief. The 2016 amendments addressed changes in the Rules of Judicial Administration. In addition, the amendment eliminated time limits for objections to or requests for correction of the transcript. An objection to a transcript must be raised if, for example, a critical portion of the proceedings was not transcribed.

#### Rule 1925. Opinion in Support of Order.

(a) *Opinion in support of order.*

(1) *General rule.*—Except as otherwise prescribed by this rule, upon receipt of the notice of appeal, the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall [ forthwith ] within the 60-day period set forth in Pa.R.A.P. 1931(a)(1) file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, or shall specify in writing the place in the record where such reasons may be found.

If the case appealed involves a ruling issued by a judge who was not the judge entering the order giving rise to the notice of appeal, the judge entering the order giving rise to the notice of appeal may request that the judge who made the earlier ruling provide an opinion to be filed in accordance with the standards above to explain the reasons for that ruling.

(2) *Children's fast track appeals.*—In a children's fast track appeal:

(i) The concise statement of errors complained of on appeal shall be filed and served with the notice of appeal [ required by Rule 905 ]. [ See Pa.R.A.P. 905(a)(2). ]

(ii) Upon receipt of the notice of appeal and the concise statement of errors complained of on appeal required by [ Rule ] Pa.R.A.P. 905(a)(2), the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall within 30 days file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, which may, but need not, refer to the transcript of the proceedings.

(3) *Appeals arising under the Pennsylvania Code of Military Justice.*—In an appeal arising under the Pennsylvania Code of Military Justice, the concise statement of errors complained of on appeal shall be filed and served with the notice of appeal. See Pa.R.A.P. 4004(b).

(b) *Direction to file statement of errors complained of on appeal; instructions to the appellant and the trial court.*—If the judge entering the order giving rise to the notice of appeal (“judge”) desires clarification of the errors complained of on appeal, the judge may enter an order directing the appellant to file of record in the trial court **[ and serve on the judge ]** a concise statement of the errors complained of on appeal (“Statement”).

(1) *Filing and service.*—The Appellant shall file of record the Statement **[ and concurrently shall serve the judge ]**. **[ Filing of record and service on the judge shall be in person or ]** If filing of record is by mail as provided in Pa.R.A.P. 121(a) **[ and shall ]** it will be complete on mailing if appellant obtains a United States Postal Service Form 3817, Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified, in compliance with the requirements set forth in Pa.R.A.P. 1112(c). Service on parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121(c).

(2) *Time for filing [ and service ].*—

(i) The judge shall allow the appellant at least 21 days from the date of the order’s entry on the docket for the filing **[ and service ]** of the Statement. Upon application of the appellant **or cross-appellant** and for good cause shown, the judge may enlarge the time period initially specified or permit an amended or supplemental Statement to be filed. Good cause includes, but is not limited to, delay in the production of a transcript necessary to develop the Statement so long as the delay is not attributable to a lack of diligence in ordering or paying for such transcript by the party or counsel on appeal. In extraordinary circumstances, the judge may allow for the filing of a Statement or amended or supplemental Statement *nunc pro tunc*.

(ii) If the appellant or cross-appellant has ordered but not received a transcript necessary to develop the Statement, that party may request an extension of the deadline to file the Statement until 21 days following the date of entry on the docket of the transcript in accordance with Pa.R.A.P. 1922(b). The party must attach the transcript purchase order to the motion for the extension. If the motion is filed at least five days before the Statement is due but the trial court does not rule on the motion prior to the original due date, the motion will be deemed to have been granted.

(3) *Contents of order.*—The judge’s order directing the filing **[ and service ]** of a Statement shall specify:

(i) the number of days after the date of entry of the judge’s order within which the appellant must file **[ and serve ]** the Statement;

(ii) that the Statement shall be filed of record;

**[ (iii) that the Statement shall be served on the judge pursuant to paragraph (b)(1);**

**(iv) that any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived. ]**

**(iii) that any issue not properly included in a timely Statement pursuant to paragraph (b) may be considered waived.**

(4) *Requirements; waiver.*

(i) The Statement shall set forth only those **[ rulings or ]** errors that the appellant intends to challenge.

(ii) The Statement shall concisely identify each **[ ruling or ]** error that the appellant intends to **[ challenge ]** assert with sufficient detail to identify **[ all pertinent issues ]** the issue to be raised for the judge. The judge shall not require the citation to authorities **or the record**; however, appellant may choose to include pertinent authorities **and record citations** in the Statement.

(iii) The judge shall not require **[ appellant or appellee ]** any party to file a brief, memorandum of law, or response as part of or in conjunction with the Statement.

(iv) The Statement should not be redundant or provide lengthy explanations as to any error. Where non-redundant, non-frivolous issues are set forth in an appropriately concise manner, the number of errors raised will not alone be grounds for finding waiver.

(v) Each error identified in the Statement will be deemed to include every subsidiary issue **[ contained therein which ]** that was raised in the trial court; this provision does not in any way limit the obligation of a criminal appellant to delineate clearly the scope of claimed constitutional errors on appeal.

(vi) If the appellant **or cross-appellant** in a civil case cannot readily discern the basis for the judge’s decision, the appellant **or cross-appellant** shall preface the Statement with an explanation as to why the Statement has identified the errors in only general terms. In such a case, the generality of the Statement will not be grounds for finding waiver.

(vii) **[ Issues ]** On a direct criminal appeal, any issues not included in the Statement and/or not raised in accordance with the provisions of this **[ paragraph ]** subparagraph (b)(4) are waived. In all other appeals, a deficiency in a Statement will not result in waiver unless the deficiency interferes with or effectively precludes appellate review.

(c) *Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed **[ and/or served ]** or timely filed **[ and/or served ]**.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing *nunc pro tunc* of a Statement or for amendment or supplementation of a timely filed **[ and served ]** Statement and for a concurrent supplemental opinion.

(3) If an appellant in a criminal case was ordered to file a Statement and failed to do so, such that the appellate court is convinced that counsel has been *per se* ineffective, the appellate court shall remand for the filing of a Statement *nunc pro tunc* and for the preparation and filing of an opinion by the judge.

(4) In a criminal case, counsel may file of record **[ and serve on the judge ]** a statement of intent to file an *Anders*/ **[ McClendon ] Santiago** brief in lieu of filing a

Statement. If, upon review of the *Anders*/[ *McClendon* ] *Santiago* brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing of a Statement, a supplemental opinion pursuant to [ **Rule** ] Pa.R.A.P. 1925(a), or both. Upon remand, the trial court may, but is not required to, replace appellant's counsel.

(d) *Opinions in matters on petition for allowance of appeal*.—Upon receipt of notice of the filing of a petition for allowance of appeal under [ **Rule 1112(c) (appeals by allowance)** ] Pa.R.A.P. 1112(c), the **intermediate appellate court [ below which ]** that entered the order sought to be reviewed, if the reasons for the order do not already appear of record, shall forthwith file of record at least a brief statement, in the form of an opinion, of the reasons for the order.

**Official Note:** [ **Subdivision (a)** ] **Paragraph (a)**—The 2007 amendments clarify that a judge whose order gave rise to the notice of appeal may ask a prior judge who made a ruling in question for the reasons for that judge's decision. In such cases, more than one judge may issue separate [ **Rule** ] Pa.R.A.P. 1925(a) opinions for a single case. It may be particularly important for a judge to author a separate opinion if credibility was at issue in the pretrial ruling in question. *See, e.g., Commonwealth v. Yogel*, [ **307 Pa. Super. 241, 243-44** ], 453 A.2d 15, 16 (Pa. Super. 1982). At the same time, the basis for some pre-trial rulings will be clear from the order and/or opinion issued by the judge at the time the ruling was made, and there will then be no reason to seek a separate opinion from that judge under this rule. *See, e.g., Pa.R.Crim.P. 581(I)*. Likewise, there will be times when the prior judge may explain the ruling to the judge whose order has given rise to the notice of appeal in sufficient detail that there will be only one opinion under [ **Rule** ] Pa.R.A.P. 1925(a), even though there are multiple rulings at issue. The time period for transmission of the record is specified in Pa.R.A.P. 1931, and that rule was concurrently amended to expand the time period for the preparation of the opinion and transmission of the record.

[ **Subdivision (b)** ] **Paragraph (b)**—This [ **subdivision** ] **paragraph** permits the judge whose order gave rise to the notice of appeal ("judge") to ask for a statement of errors complained of on appeal ("Statement") if the record is inadequate and the judge needs to clarify the errors complained of. The term "errors" is meant to encourage appellants to use the Statement as an opportunity to winnow the issues, recognizing that they will ultimately need to be refined to a statement that will comply with the requirements of Pa.R.A.P. 2116. Nonetheless, the term "errors" is intended in this context to be expansive, and it encompasses all of the reasons the trial court should not have reached its decision or judgment, including, for example, those that may not have been decisions of the judge, such as challenges to jurisdiction.

[ **Paragraph (b)(1)** ] This paragraph maintains the requirement that the Statement be both filed of record in the trial court and served on the judge. Service on the judge may be accomplished by mail or by personal service. The date of mailing will be considered the date of filing and of service upon the judge only if counsel obtains a United States Postal Service form from which the date of mailing can be verified, as specified in Pa.R.A.P. 1112(c). Counsel is advised to retain date-stamped copies of

the postal forms (or pleadings if served by hand), in case questions arise later as to whether the Statement was timely filed or served on the judge.

**Paragraph (b)(2)** This paragraph ] **Subparagraph (b)(2)**—This subparagraph extends the time period for drafting the Statement from 14 days to at least 21 days, with the trial court permitted to enlarge the time period or to allow the filing of an amended or supplemental Statement upon good cause shown. In *Commonwealth v. Mitchell*, [ **588 Pa. 19, 41**, ] 902 A.2d 430, 444 (Pa. 2006), the Court expressly observed that a Statement filed "after several extensions of time" was timely. An enlargement of time upon timely application might be warranted if, for example, there was a serious delay in the transcription of the notes of testimony or in the delivery of the order to appellate counsel. **The 2016 amendments to the rule provide the opportunity to obtain an extension of time to file the Statement until 21 days after the transcript is filed pursuant to Pa.R.A.P. 1922(b). The appellant may file a motion for an extension of time, which, if filed in accordance with the rule, will be deemed granted if not expressly denied before the Statement is due.**

A trial court should **also** enlarge the time or allow for an amended or supplemental Statement when new counsel is retained or appointed. A supplemental Statement may also be appropriate when the ruling challenged was so non-specific—*e.g.*, "Motion Denied"—that counsel could not be sufficiently definite in the initial Statement.

In general, *nunc pro tunc* relief is allowed only when there has been a breakdown in the process constituting extraordinary circumstances. *See, e.g., In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election*, [ **577 Pa. 231, 248-49**, ] 843 A.2d 1223, 1234 (Pa. 2004) ("We have held that fraud or the wrongful or negligent act of a court official may be a proper reason for holding that a statutory appeal period does not run and that the wrong may be corrected by means of a petition filed *nunc pro tunc*."). Courts have also allowed *nunc pro tunc* relief when "non-negligent circumstances, either as they relate to appellant or his counsel" occasion delay. *McKeown v. Bailey*, 731 A.2d 628, 630 (Pa. Super. 1999). However, even when there is a breakdown in the process, the appellant must attempt to remedy it within a "very short duration" of time. *Id.*; [ ***Amicone v. Rok*, 839 A.2d 1109, 1113 (Pa. Super. 2003) (recognizing a breakdown in process, but finding the delay too long to justify nunc pro tunc relief).**

**Paragraph (b)(3)** This paragraph specifies what the judge must advise appellants when ordering a Statement.

**Paragraph (b)(4)** This paragraph ] **Subparagraph (b)(4)**—This subparagraph sets forth the parameters for the Statement and explains [ **what constitutes waiver. It should help counsel to comply with the concise-yet-sufficiently-detailed requirement and avoid waiver under either *Lineberger v. Wyeth*, 894 A.2d 141, 148-49 (Pa. Super. 2006) or *Kanter v. Epstein*, 866 A.2d 394, 400-03 (Pa. Super. 2004), allowance of appeal denied, 584 Pa. 678, 880 A.2d 1239 (2005), cert. denied sub nom. *Spector Gadon & Rosen, P.C. v. Kanter*, 546 U.S. 1092 (2006). The paragraph explains** ] that the Statement should be sufficiently specific to allow the judge to draft the opinion required under Pa.R.A.P. 1925(a)[ , and it ]. It provides that the number of issues alone will not constitute



waiver—so long as the issues set forth are non-redundant and non-frivolous. It allows appellants **and cross-appellants** to rely on the fact that subsidiary issues will be deemed included if the overarching issue is identified and if all of the issues have been properly preserved in the trial court. This provision has been taken from the United States Supreme Court rules. *See* Sup. Ct. R. 14(1). This paragraph does not in any way excuse the responsibility of an appellant who is raising claims of constitutional error to raise those claims with the requisite degree of specificity. This [ paragraph ] subparagraph also allows—but does not require—an appellant to state the authority upon which the appellant challenges the ruling in question[ , but it expressly recognizes that a Statement is not a brief and that an appellant shall not file a brief with the Statement ] and to identify the place in the record where the basis for the challenge may be found. [ This paragraph also recognizes that there may be times that a civil appellant cannot be specific in the Statement because of the non-specificity of the ruling complained of on appeal. In such instances, civil appellants may seek leave to file a supplemental Statement to clarify their position in response to the judge's more specific Rule 1925(a) opinion. ]

Neither the number of issues raised nor the length of the Statement alone is enough to find that a Statement is vague or non-concise enough to constitute waiver. *See Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006). The more carefully the appellant frames the Statement, the more likely it will be that the judge will be able to articulate the rationale underlying the decision and provide a basis for counsel to determine the advisability of appealing that issue. Thus, counsel should begin the winnowing process when preparing the Statement and should articulate specific rulings with which the appellant takes issue and why. Nothing in the rule requires an appellant to articulate the arguments within a Statement. It is enough for an appellant—except except where constitutional error must be raised with greater specificity—to have identified the rulings and issues that comprise the putative trial court errors.

The 2016 amendment to the rule distinguishes between direct criminal appeals and all other appeals concerning waiver for the filing of a deficient Statement. Waiver of issues on appeal because of deficiencies in the Statement that do not interfere with or effectively preclude appellate review is an unnecessary and harsh result. The determination whether a deficiency interferes with or effectively precludes appellate review, however, can be made only on a case-by-case basis. A case-by-case determination is not a suitable rule for direct criminal appeals, where consistency and regularity of application is necessary, in part because federal courts reviewing state court convictions assess whether state rules of procedure are consistently and regularly applied. *See Boyd v. Warden*, 579 F.3d 330, 368 (3d Cir. 2009) (*en banc*) (recognizing that an adequate and independent state ground precludes a federal habeas court from addressing the state court's resolution of a federal law question if the state court decision is on a state law ground that is independent of the federal question and that can support the judgment, which in turn requires the rule to speak in "unmistakable terms;" the state

appellate courts all refused to review the claim on the merits; and that refusal was consistent with other state court decisions). Accordingly, in all appeals other than direct criminal appeals, the 2016 amendment revives the case-by-case discretionary review by the appellate court and allows the determination that deficiencies in a Statement do not preclude effective appellate review and thus do not result in waiver.

[ Subdivision (c) ] **Paragraph (c)**—The appellate courts have the right under the Judicial Code to “affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings to be had as may be just under the circumstances.” 42 Pa.C.S. § 706. [ The following additions to the rule are based upon this statutory authorization. ]

[ Paragraph (c)(1) This paragraph ] **Subparagraph (c)(1)**—This subparagraph applies to both civil and criminal cases and allows an appellate court to seek additional information—whether by supplementation of the record or additional briefing—if it is not apparent whether an initial or supplemental Statement was filed [ and/or served ] or timely filed [ and/or served ].

[ Paragraph (c)(2) This paragraph ] **Subparagraph (c)(2)**—This subparagraph allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. *See also* 42 Pa.C.S. § 706.

[ Paragraph (c)(3) This paragraph ] **Subparagraph (c)(3)**—This subparagraph allows an appellate court to remand in criminal cases only when the appellant has completely failed to respond to an order to file a Statement. It is thus narrower than subparagraph (c)(2), above. Prior to [ these ] amendments of this rule, the appeal was quashed if no timely Statement was filed or served; however, because the failure to file [ and serve ] a timely Statement is a failure to perfect the appeal, it is presumptively prejudicial and “clear” ineffectiveness. *See, e.g., Commonwealth v. Halley*, [ 582 Pa. 164, 172, ] 870 A.2d 795, 801 (Pa. 2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). *Per se* ineffectiveness does not apply in situations in which, for example, counsel files a deficient brief; in such cases, prejudice must be proven. *See, e.g., Commonwealth v. Reed*, 971 A.2d 1216, 1227 (Pa. 2009). Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. *See West*, 883 A.2d at 657. The procedure set forth in *West* is codified in [ paragraph ] subparagraph (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this paragraph does not

raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner’s conviction).

[ **Paragraph (c)(4)** ] **Subparagraph (c)(4)**—This paragraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and [ **Commonwealth v. McClendon**, 495 Pa. 467, 434 A.2d 1185 (1981) ] **Commonwealth v. Santiago**, 978 A.2d 349 (Pa. 2009), are obligated to comply with all rules [ , including the filing of a Statement ]. [ See *Commonwealth v. Myers*, 897 A.2d 493, 494-96 (Pa. Super. 2006); *Commonwealth v. Ladamus*, 896 A.2d 592, 594 (Pa. Super. 2006). ] However, because a lawyer will not file an *Anders*/ [ **McClendon** ] **Santiago** brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors [ **have been raised** ] are **asserted** because the lawyer is (or intends to be) seeking to withdraw under *Anders*/ [ **McClendon** ] **Santiago**. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record.

[ **Subdivision** ] **Paragraph (d)** was formerly (c). [ **The text has not been** ] **When the rule was amended in 2007, the text was not** revised, except to update the reference to Pa.R.A.P. 1112(c).

\* \* \* \* \*

#### EXPLANATORY COMMENT

Pa.R.A.P. 1925 requires the trial court, upon receipt of a notice of appeal, to provide the appellate court the reasons for its decision. The rule authorizes the trial court to direct the appellant to provide a statement of errors complained of on appeal (“Statement”). The Statement process has given rise to waiver concerns that the Committee is proposing to address with three amendments to Pa.R.A.P. 1925, related amendments to Pa.R.A.P. 1922, and conforming amendments to Pa.R.A.P. 905.

The first waiver concern relates to difficulties experienced in filing a timely and accurate Statement when the trial transcript is not yet available. In order for a Statement to be of assistance to a trial judge, the party authoring the Statement needs to be able to identify errors with specificity, something that is frequently difficult or impossible unless and until counsel (or a party proceeding *pro se*) can review the transcripts associated with the orders in question. Currently, the practice in absence of a transcript varies widely. In some cases, a party files an initial Statement, and then moves to amend or supplement when the transcript(s) become available. In others, a party seeks multiple extensions. In yet others, a party asks for an extension until the transcript is received—although under the current rules, the date that an appellant receives a transcript is not reflected on the docket and thus cannot be readily verified by the trial

or appellate courts. In each instance, a party risks waiver of appellate issues for lack of strict compliance. The Committee proposes to modify current practice by amending (1) Pa.R.A.P. 1922 to require entry of the transcript on the docket when transcribed, with notice to be sent to the parties; and (2) Pa.R.A.P. 1925(b) to permit a party to secure an extension to file the Statement until 21 days after the entry of the transcript on the docket, by completing two steps. The first step is for the party to make a timely request the transcript, complying with all necessary requirements. The second is for the party to file a timely (i.e., more than five days prior to the time the Statement is due) request for an extension, explaining that an extension is needed because the transcript has not yet been prepared and attaching the transcript purchase order form. If the trial court does not rule on the extension request by the original Statement due date, the extension will be deemed granted.

The second waiver concern relates to the current rule’s requirement that the appellant file the Statement with the trial court and also serve it directly on the trial judge. The courts have found waiver in cases in which both requirements have not been met, even though the record reveals that the appellant attempted to serve the trial judge or the trial judge had actual access to the Statement. The Committee believes that filing is sufficient to assure that the trial judge has access to the Statement. Moreover, the increase in electronic filing should make direct service on the trial judge redundant. Accordingly, this proposal eliminates the requirement to serve the trial judge, *except* in cases such as Children’s Fast Track appeals where the Statement is required to be attached to the notice of appeal, and thus will be served on the trial judge automatically pursuant to Pa.R.A.P. 906.

The third waiver concern relates to the harshness of enforcing a bright-line rule that failure to file a timely Statement, or failure to include an issue in a timely-filed Statement, will result in waiver. Although the bright-line waiver rule began in criminal cases, where there is a need for certainty and predictability, and where there is also a remedy for ineffective assistance of counsel, it was quickly applied to all cases. In some contexts, and particularly in parental termination, juvenile delinquency, custody, and civil commitment cases, there is some recognition that counsel can provide ineffective assistance, but there is no collateral review available. The consequences of attorney waiver in those cases are extremely serious, however. Likewise, in civil appeals, a client’s recourse for issues not preserved is to incur the cost of prosecuting a separate malpractice case. Accordingly, the Committee is proposing to revise the standard for waiver in all but criminal cases, reimplementing the prior standard and thus limiting the opportunity for waiver. Under the proposed amendment, waiver is appropriate if, and only if, a deficiency in a Statement “interferes with or effectively precludes appellate review.”

The Committee is proposing corollary changes to Pa.R.A.P. 905. In addition, the Committee proposes amending Pa.R.A.P. 1922 to reflect the new Rules of Judicial Administration and to set forth a process for correcting the transcript, in addition to modifying the process for filing objections to a transcript.

[Pa.B. Doc. No. 16-1593. Filed for public inspection September 16, 2016, 9:00 a.m.]

# Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

**Order Revising the Comment to Rule 500 of the Rules of Criminal Procedure; No. 479 Criminal Procedural Rules Doc.**

## Order

*Per Curiam*

*And Now*, this 31st day of August, 2016, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 45 Pa.B. 3810 (July 18, 2015), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 114), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of the Comment to Pennsylvania Rule of Criminal Procedure 500 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2016.

## Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART A. Preservation of Testimony

#### Rule 500. Preservation of Testimony After Institution of Criminal Proceedings.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

“May be unavailable,” as used in paragraph (A), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at trial or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore cannot be effectively served with a subpoena, **or is elderly, frail, or demonstrates the symptoms of mental infirmity or dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

\* \* \* \* \*

**Official Note:** Rule 9015 adopted November 8, 1982, effective January 1, 1983; amended March 22, 1989, effective July 1, 1989; renumbered Rule 500 and amended March 1, 2000, effective April 1, 2001; **Comment revised August 31, 2016, effective October 1, 2016.**

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Final Report explaining the August 31, 2016 Comment revision refining the definition of “unavailable” to include the elderly published with the Court's Order at 46 Pa.B. 5893 (September 17, 2016).**

## FINAL REPORT<sup>1</sup>

### *Revision to the Comment to Pa.R.Crim.P. 500*

#### **Availability of the Elderly to Testify**

On August 31, 2016, effective October 1, 2016, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Rule of Criminal Procedure 500 (Preservation of Testimony after Institution of Criminal Proceedings) to clarify that the Rule 500 procedures were available in circumstances where a witness is elderly, frail or demonstrating symptoms of mental infirmity or dementia.

In April 2013, the Court created the Elder Law Task Force to study the issues of access to justice being faced by older Pennsylvanians. In November 2014, the Task Force issued a report with a number of recommendations intended to enhance the way Pennsylvania elders interact with the state court system and are protected in cases involving abuse, neglect, guardianship, conservatorship and other matters.<sup>2</sup> Based on the recommendation of the Task Force, the Court established an Office of Elder Justice in the Courts to implement many of the recommendations in the report as well as an Advisory Council on Elder Justice in the Courts to serve as the judiciary's liaison to the executive and legislative branches. In addition, in May 2015, the Court directed the Committee to consider the recommendations of the Elder Law Task Force that related to criminal procedure.

One of the Task Force's recommendations related to criminal procedural issues is the suggestion that the Comment to Pa.R.Crim.P. 500 (Preservation of Testimony) be revised “to help ensure the testimony of elder victims and witnesses in criminal cases can be preserved.”<sup>3</sup> Rule 500 provides procedures for the pre-trial preservation of testimony of those witnesses who may be unavailable to testify for trial or other proceedings or where, due to exceptional circumstances, it is in the interests of justice to preserve the witness' testimony. Consistent with the Task Force's recommendation, the Advisory Council suggested to the Court that the Rule 500 Comment be revised to further define the phrase “exceptional circumstances” to include the circumstances where the victim is an elder, is frail, or demonstrates the symptoms of mental infirmity or dementia, creating the risk that they will not be able to testify in the future.

The Committee considered that the language of the Comment already is broad enough to cover the situation where a victim/witness would be unavailable to testify due to age-related incapacity such as frailty or dementia. However, the Committee concluded that it would be helpful to explicitly state in the Comment that these conditions are contemplated by the rule. Therefore, the language of the third paragraph of the Comment has been revised as follows:

“May be unavailable,” as used in paragraph (A), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at trial or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore cannot be effectively served with a subpoena, **or is elderly, frail or demonstrating symptoms of mental infirmity or**

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

<sup>2</sup> See *Elder Law Task Force Report*, <http://www.pacourts.us/courts/supreme-court/committees/supreme-court-boards/elder-law-task-force>.

<sup>3</sup> See Recommendation 36, *Elder Law Task Force Report*, page 236.



**dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

The revision also adds the word “other” before “legally sufficient reason” to the final phrase of the paragraph since mental infirmity and dementia are also “legally sufficient reasons” for determining unavailability.

[Pa.B. Doc. No. 16-1594. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### No. 01 of 2015, Philadelphia Municipal Court Arraignment Court Magistrates

#### Order

*And Now*, this 2nd day of September, 2016, the Order issued June 1, 2015 is amended to read as follows:

#### Order

*And Now*, this 1st day of June, 2015, in accordance with the provisions of Act 98 of 2008 which amended Act 187 of 1984, it is hereby *Ordered*, *Adjudged* and *Decreed* that:

(1) The “Philadelphia Municipal Court Bail Commissioner Rules” shall henceforth be referenced to as the “Philadelphia Municipal Court Arraignment Court Magistrate Rules;”

(2) All references in the current Rules of Criminal Procedure for the Philadelphia Municipal Court, Philadelphia Municipal Court Bail Commissioner Rules to “Bail Commissioner” or “Bail Commissioners” shall be replaced with “Arraignment Court Magistrate” or “Arraignment Court Magistrates;” and

(3) The Philadelphia Municipal Court Arraignment Court Magistrate Rules shall henceforth be cited as “Phila.M.C.R.Crim.P., A.C.M., Sec.”

As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review and written notification has been received from the Rules Committee certifying that the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and

will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE MARSHA H. NEIFIELD,  
*President Judge*  
*Philadelphia Municipal Court*

[Pa.B. Doc. No. 16-1595. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

### Local Rules of Orphans’ Court; No. 10013 of 2016

#### Administrative Order

The Juvenile Act, 42 Pa.C.S.A. § 6301, et seq., as more specifically set forth at § 6351(i), authorizes the President Judge to administratively assign a Judge who has adjudicated a child dependent or presided over permanency hearings, to the Orphans’ Court Division of the Court for the purpose of hearing proceedings relating to the Involuntary Termination of Parental Rights of a parent of the dependent child and a Petition to Adopt the dependent child.

As authorized by the Juvenile Act, it is hereby *Ordered* and *Decreed* that:

#### Local O.C. Rule 15.1.

The Judges of this Court (the 36th Judicial District), who are, from time to time, assigned by the President Judge to preside over dependency proceedings, are also assigned to preside over proceedings relating to Involuntary Termination of Parental Rights of a parent of any dependent child having been adjudicated by that Judge, as well as any proceedings relating to the Adoption of that dependent child.

This Administrative Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and posting on the Pennsylvania Judiciary’s web application portal.

The District Court Administrator is Directed to:

1. file one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts for publication on the Pennsylvania Judiciary’s web application portal;

2. submit two (2) certified paper copies of this Administrative Order and a copy on computer diskette or CD-ROM containing the text of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. submit one (1) certified copy of this Administrative Order to the Supreme Court Orphans’ Court Procedural Rules Committee;

4. publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, i.e., <http://www.beavercountypa.gov/courts/courts-common-pleas>, after publication in the *Pennsylvania Bulletin*;

5. keep a copy of this Administrative Order continuously available for public inspection and copying in the Office of the Clerk of the Orphans’ Court of Beaver County; and

6. keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

*By the Court*

JOHN D. McBRIDE,  
President Judge

[Pa.B. Doc. No. 16-1596. Filed for public inspection September 16, 2016, 9:00 a.m.]

## FAYETTE COUNTY

### Local Rule 212; Local Rule 212.1: Pre-Trial Procedure; Certificate of Readiness for Pre-Trial Conference; No. 1702 of 2016 GD

#### Order

And Now, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212 is rescinded and Local Rule 212.1 is amended to read as follows.

The Prothonotary is directed as follows:

(1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.

(2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

Rescinding and amending the previously listed Local Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. WAGNER, Jr.,  
President Judge

### Rule 212.1. Pre-Trial Procedure; Certificate of Readiness for Pre-Trial Conference.

(a) Except in those cases involving compulsory arbitration, there shall be 240 days from the filing of the

complaint in which the parties shall complete discovery. Discovery will not be permitted after the 240 day period except by order of Court upon good cause shown.

(b) In those cases where it is apparent that extensive discovery will be required, counsel may present a motion requesting a status conference, or file and present an appropriate motion, with the trial Judge to whom the case has been assigned to establish an alternate discovery time table.

(c) Unless otherwise agreed upon by the parties, or ordered by the Court, all depositions shall be held in Fayette County.

(d) At any time after the close of discovery, the Court may, in its discretion, direct the parties to attend a status conference, or the Court may compel the filing of pre-trial statements, schedule the pre-trial conference, or otherwise intervene to expedite the litigation.

(e) If there is an appeal of the award of arbitrators, this rule shall apply, except that there shall be 60 days from the filing of the appeal in which the parties shall complete discovery.

(f) At the close of discovery and upon the filing of a pre-trial statement by the moving party, the movant shall file a Certificate of Readiness for Pre-trial Conference.

(1) The Certificate of Readiness shall be substantially in the form which follows this rule and shall be served with written notice to all parties.

(2) If a party objects to the Certificate of Readiness as filed by any party, the objecting party is required to file the objection within 20 days; otherwise, all parties will be deemed to be in agreement with the statement contained in the Certificate of Readiness.

(3) Objections to the Certificate of Readiness shall be presented forthwith as a priority motion to the Judge to whom the case is assigned. If an objection to the Certificate of Readiness has been filed, the Prothonotary shall only transmit the docket to the Trial Judge for pre-trial conference after the Judge resolves the objection.

(4) If no objection to the Certificate of Readiness has been filed within 20 days, the Prothonotary shall transmit the docket to the Trial Judge to schedule a pre-trial conference.

(5) In accordance with Local Rule 212.3, the Trial Judge shall schedule the pre-trial conference upon transmission of the docket from the Prothonotary.

(6) A Certificate of Readiness is not required for cases assigned to arbitration.

## IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

_____	:	Civil Action
Plaintiff	:	
	:	NO.
vs.	:	
	:	
	:	JUDGE _____
_____	:	
Defendant	:	Jury Trial _____
	:	Non-jury Trial _____
	:	Arbitration _____

## CERTIFICATE OF READINESS

I hereby certify, pursuant to Fayette County Rule of Civil Procedure 212.1, that the above-captioned case is ready for trial. All pleadings are closed; all witnesses are presently available to appear at trial; the moving party's pre-trial statement has been filed and served upon the other parties; and discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial. Any such deposition shall be completed prior to trial and a transcript of the deposition shall be submitted to the Court at least five (5) days prior to trial or all objections will be deemed waived.

I further certify that immediately after filing, I will serve a time-stamped copy of this certificate upon all counsel, and/or any unrepresented party.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Counsel

\_\_\_\_\_  
Representing

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone No.

[Pa.B. Doc. No. 16-1597. Filed for public inspection September 16, 2016, 9:00 a.m.]

## FAYETTE COUNTY

## Local Rule 212.2: Pre-Trial Statements; No. 1702 of 2016 GD

## Order

And Now, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212.1, Pre-trial Statements, is renumbered Local Rule 212.2, as follows.

The Prothonotary is directed as follows:

(1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.

(2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

The renumbering of the previously listed Local Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,  
President Judge

## Rule 212.2. Pre-Trial Statements.

(a) *Time tables:*

(1) All plaintiffs, within twenty (20) days after the 240 day period, or the extension thereof, shall file their pre-trial statements with the Prothonotary.

(2) All original defendants, within twenty (20) days of the filing of the plaintiff's pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(3) All other parties, within twenty (20) days of the filing of original defendants' pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(b) The pre-trial statement shall contain:

(1) A brief narrative statement of the essential facts upon which liability is asserted or denied.

(2) The legal issues involved and legal authorities relied upon.

(3) A list of the names and addresses of all witnesses the party expects to call, which witnesses shall be classified as liability or damage witnesses.

(4) A specific description of damages.

(i) Any party seeking to recover damages for personal injuries shall attach to their pre-trial statement, if not previously provided to all parties, a written authorization to inspect and make copies of the records and reports of any physician, hospital or clinic by whom or where said party may have been examined, treated, or hospitalized for the injuries or disabilities complained of, and covering prior injuries or disabilities where the same may be relevant.

(ii) A list of the damages that the party intends to claim and prove at trial.

(5) The settlement status of the case.

(6) A realistic estimate of the trial time required for presentation of their case, as well as total trial time required.

(7) There shall be attached to the pre-trial statement:

(i) A copy of all reports containing findings or conclusions of any physician who has treated or examined the party or has been consulted in connection with any injuries complained of and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such physician shall be excluded at the trial except upon consent of all parties or upon express order of the Court.

(ii) A copy of all reports containing findings or conclusions of any expert who has been consulted in connection with the matters involved in the case and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such expert shall be excluded at the trial except upon consent of all parties or upon express order of Court.

(8) Upon failure of any party to file a pre-trial statement within the time required, upon motion the Court may impose the sanctions provided in Pa.R.C.P. Sec. 4019(c). Also, the Court may order other appropriate relief including, but not limited to, the barring of testimony, assessment and awarding of attorney fees, and expenses and costs to opposing counsel.

(9) Counsel, upon agreement of all parties, or upon Order of Court, may file a supplemental pre-trial statement up to the time of trial as long as such filing does not delay trial. Supplemental statements may include additional claims for damages, additional damage and/or liability witnesses, expert witnesses, and/or exhibits intended to be used at trial.

[Pa.B. Doc. No. 16-1598. Filed for public inspection September 16, 2016, 9:00 a.m.]

## FAYETTE COUNTY

### Local Rule 212.3: Pre-Trial Conference; No. 1702 of 2016 GD

#### Order

And Now, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212.3 is amended to read as follows.

The Prothonotary is directed as follows:

(1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.

(2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

The amendment of the previously listed Local Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,  
President Judge

### Rule 212.3. Pre-Trial Conference.

(a) When a case is scheduled for pre-trial conference, it shall not be continued except for just cause and upon order of the pre-trial judge.

(b) The pre-trial conference shall be attended by the attorney who will try the case, or by an attorney who is fully prepared and authorized as to all matters which may reasonably be expected to arise during the conference.

(c) Parties must also be present, except when the real party in interest is an insurance company, a common carrier, corporation or other artificial legal entity, in which instance a representative thereof, other than the attorney, must be present with full authority and power to discuss and settle the case.

(d) The Court shall encourage the amicable settlement of the controversy and the parties and their attorneys shall be prepared to discuss settlement.

(e) The judge presiding at the pre-trial conference shall refer to arbitration all cases where the amount in controversy is found not to exceed the jurisdictional limits of arbitration except where title to lands or tenements may come in question.

(f) If there is not an amicable settlement of the controversy at the pre-trial conference, then the pre-trial judge shall issue a pre-trial adjudication which shall, in the discretion of the judge, control the subsequent course of the action.

[Pa.B. Doc. No. 16-1599. Filed for public inspection September 16, 2016, 9:00 a.m.]

## FAYETTE COUNTY

### Local Rule 212.5: Mediation; No. 1702 of 2016 GD

#### Order

And Now, this 30th day of August, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Local Rule 212.5 is amended to read as follows.

The Prothonotary is directed as follows:

(1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.

(2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.



The amendment of the previously listed rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. WAGNER, Jr.,  
President Judge

### **Rule 212.5. Mediation.**

#### *(a) Certification of Mediators.*

(1) The President Judge shall certify as many mediators as determined to be necessary.

(2) All mediators will be members of the Fayette County Bar Association.

(3) An attorney may be certified by the President Judge as a mediator if:

(i) he or she has been a member of the Pennsylvania bar for a minimum of ten (10) years;

(ii) he or she has been admitted to practice before the Fayette County Court of Common Pleas;

(iii) he or she has been referred to the President Judge by the Civil Rules Committee of the Fayette County Bar Association. Notwithstanding such referral, the President Judge may nonetheless certify an attorney as a mediator.

(iv) he or she has been determined by the President Judge to be competent to perform the duties of a mediator;

(v) he or she has professional liability insurance in the minimum amount of a \$300,000.00 single limit policy.

(4) Each individual certified as a mediator shall take the oath or affirmation prescribed by 42 Pa.C.S.A. § 3151 before serving as a mediator.

(5) A list of all persons certified as mediators shall be maintained in the office of the Court Administrator.

(6) A member of the bar certified as a mediator may be removed from the list of certified mediators by the President Judge for any reason.

#### *(b) Payment of Mediators.*

(1) The parties shall pay the mediator directly. The court assumes no responsibility for the supervision or enforcement of the parties' agreement to pay for mediation services.

(2) Any charges relating to the mediator's services shall be shared equally by the parties.

(3) The mediator shall be paid a mediation fee of One Hundred and Seventy-Five (\$175.00) Dollars per hour, divided equally among all of the parties to the mediation. A deposit of One Hundred and Seventy-Five (\$175.00) Dollars shall be paid by each party within twenty (20) days of the order directing mediation. Failure to pay the deposit by all parties shall result in the cancellation of the mediation and shall subject the offending party to sanctions pursuant to Pa.R.Civ.P. 4019. Failure to pay the balance due twenty (20) days after receipt of the mediator's bill shall subject the offending party to sanctions pursuant to Pa.R.Civ.P. 4019.

(4) Except as provided herein, a mediator shall not accept anything of value from any source for services provided under the court-annexed mediation program.

#### *(c) Types of Cases Eligible for Mediation.*

Every personal injury, medical or professional malpractice, wrongful death or damage to property action filed in the Fayette County Court of Common Pleas is eligible for mediation, except any case which the assigned judge determines, after application by any party or by the mediator, is not suitable for mediation.

#### *(d) Voluntary Mediation.*

The parties to any civil action, with the exception of arbitration and domestic relations/custody cases, may voluntarily submit the case to mediation by filing a joint motion of all parties with the assigned judge in accordance with the local Motions Court procedure.

#### *(e) Mandatory Mediation.*

The assigned judge may order a case to mandatory mediation at any time. All cases selected for mandatory mediation by the assigned judge, and which are not settled or referred to arbitration, shall be given preference pursuant to Pa.R.Civ.P. 214(2) on the trial list of the assigned judge.

#### *(f) Mediation Conference Scheduling.*

(1) When the court makes a determination that referral to mediation is appropriate, it shall issue an order referring the case to mediation, appointing the mediator, directing the mediator to establish the date, time and place for the mediation session and setting forth the name, address, and telephone number of the mediator.

Within ten (10) days of his or her assignment, the mediator shall notify all parties and the Court Administrator of the date, time and place of the mediation, which shall be within forty-five (45) days of the assignment.

(2) The mediation session shall be held before a mediator selected by the assigned judge from the list of mediators certified by the President Judge.

(3) The court administrator shall provide the mediator with a current docket sheet.

(4) The mediator shall advise the court administrator as to which documents in the case file the mediator desires copies of for the mediation session. The clerk shall provide the mediator with all requested copies at no charge to the mediator. However, the assigned Judge, in his or her discretion, may require that the parties share in the cost of providing the necessary copies.

(5) Any continuance of the mediation session beyond the period prescribed in the referral order must be approved by the assigned judge.

(6) A person selected as a mediator shall be disqualified for bias or prejudice as if he or she were a district justice or judge. A party may assert the bias or prejudice of an assigned mediator by filing an affidavit with the assigned judge stating that the mediator has a personal bias or prejudice. The judge may, in his or her discretion, end alternative dispute resolution efforts, refer the case to another mediator, refer the case back to the original mediator or initiate another alternative dispute resolution mechanism.

#### *(g) The Mediation Session and Confidentiality of Mediation Communications.*

(1) The mediation session shall take place as directed by the court and the assigned mediator. The mediation session shall take place in a neutral setting designated by the mediator.

(2) The parties shall not contact or forward documents to the mediator except as directed by the mediator or the court.

(3) At least ten (10) days prior to the Mediation, the parties and/or their attorneys shall be required to prepare and submit a Confidential Position Paper disclosed only to the mediator in the format attached or as modified by the mediator or the assigned judge. The Confidential position paper shall not become a part of the court record and shall be destroyed at the conclusion of the mediation.

(4) If the mediator determines that no settlement is likely to result from the mediation session, the mediator shall terminate the session and promptly thereafter file a report with the assigned Judge stating that there has been compliance with the requirements of mediation in accordance with the local rules, but that no settlement has been reached.

(5) In the event that a settlement is achieved at the mediation session, the mediator shall file a report with the assigned Judge stating that a settlement has been achieved. The order of referral may direct the mediator to file the report in a specific form.

(6) Unless stipulated in writing by all parties and the mediator or except as required by law or otherwise ordered by the court, all discussions which occur during mediation shall remain strictly confidential and no communication at any mediation session (including, without limitation, any verbal, nonverbal or written communication which refers to or relates to mediation of the pending litigation) shall be disclosed to any person not involved in the mediation process, and no aspect of the mediation session shall be used by anyone for any reason.

(7) No one shall have a recording or transcript made of the mediation session, including the mediator.

(8) The mediator shall not be called to testify as to what transpired in the mediation.

(9) Prior to the beginning of the mediation, all parties and their attorneys shall be required to sign a form developed by the Court wherein the parties agree:

(i) to the terms of the mediation; and

(ii) to waive any professional liability claims that they might assert against the mediator, the assigned Judge, the Court of Common Pleas of the 14th Judicial District, or Fayette County, as a result of their participation in the mediation process.

(h) *Duties of Participants at the Mediation Session.*

(1) *Parties.* All named parties and their counsel are required to attend the mediation session, participate in good faith and be prepared to discuss all liability issues, all defenses and all possible remedies, including monetary and equitable relief. Those in attendance shall possess complete settlement authority, independent of any approval process or supervision, except as set forth in subparagraphs (A) and (B) below.

Unless attendance is excused, willful failure to attend the mediation session will be reported by the mediator to the court and may result in the imposition of sanctions pursuant to Pa.R.Civ.P. 4019.

(A) *Corporation or Other Entity.* A party other than a natural person (e.g., a corporation or association) satisfies this attendance requirement if represented by a person (other than outside counsel) who either has authority to settle or who is knowledgeable about the facts of the case,

the entity's position, and the policies and procedures under which the entity decides whether to accept proposed settlements.

(B) *Government Entity.* A unit or agency of government satisfies this attendance requirement if represented by a person who either has authority to settle or who is knowledgeable about the facts of the case, the government unit's position, and the policies and procedures under which the governmental unit decides whether to accept proposed settlements. If the action is brought by or defended by the government on behalf of one or more individuals, at least one such individual also shall attend.

(2) *Counsel.* Each party shall be accompanied at the mediation session by the attorney who will be primarily responsible for handling the trial of the matter.

(3) *Insurers.* Insurer representatives are required to attend in person unless excused, if their agreement would be necessary to achieve a settlement. Insurer representatives shall possess complete settlement authority, independent of any approval process or supervision.

(4) *Request to be Excused.* A person who is required to attend a mediation session may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than ten (10) days before the date set for the mediation, a written request to the mediator, simultaneously copying all counsel. The written request shall set forth all considerations that support the request and shall indicate whether the other party or parties join in or object to the request. A proposed order prepared for the signature of the Judge shall be submitted to the mediator with the request. The mediator shall promptly consider the request and shall submit the proposed order to the Judge with a recommendation that the request be granted or denied. In the absence of an order excusing attendance, the person must attend.

Where an individual requests to be excused from personal participation at the mediation, a preference shall be given to attending by telephone at the expense of the excused party rather than complete excusal from the mediation.

(i) *Mediator's Report.*

Within fifteen (15) days of the mediation, the mediator shall send to the assigned judge a mediation report which shall advise that court whether the case has settled. If not, the mediation report shall set forth the following:

(1) plaintiff's final settlement demand;

(2) defendant's final settlement offer;

(3) Mediator's assessment of liability;

(4) Mediator's assessment of damages;

(5) Mediator's opinion regarding potential range of verdict and settlement value of case; and

(6) Mediator's recommendation regarding settlement of case.

The mediator shall provide all parties and the Court Administrator with a copy of the mediation report.

**Appendix A: Form for Confidential Position Paper**  
**Confidential Position Paper**

Case Caption:

Docket #:

Assigned Judge:

Date of Report:

A. Summary of Critical Facts.

B. Insurance Coverage

C. Prior demands and offers of settlement

D. Issues that may Assist the Mediator, with citations

E. Medical and Expert reports

F. Itemized list of damages

G. succinct statement of position regarding liability and damages

[Pa.B. Doc. No. 16-1600. Filed for public inspection September 16, 2016, 9:00 a.m.]

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# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Disbarment

Notice is hereby given that Anne Pope Cataline (# 72535), having been disbarred from the practice of law in the state of New Jersey, the Supreme Court of Pennsylvania issued an Order on September 6, 2016, disbarring Anne Pope Cataline from the Bar of this Commonwealth, effective October 6, 2016. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 16-1601. Filed for public inspection September 16, 2016, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF THE AUDITOR GENERAL

### Changes under Act 100 of 2016 Relating to the Public Employee Retirement Commission

Under the act of July 20, 2016 (P.L. 849, No. 100) (Act 100), the Public Employee Retirement Commission (Commission) was dissolved and certain powers and duties, as well as personnel of the Commission, were transferred to the Department of the Auditor General (Department). In accordance with Act 100, the Department is providing notice that these powers and duties have been transferred and will resume normal function.

The duties and powers transferred in Act 100 will now be called the Municipal Pension Reporting Program (Program) and will reside within the Department's Office of Budget and Financial Management. All reports, data and

documents available online for municipalities will be moved to [www.PaAuditor.gov](http://www.PaAuditor.gov). Additionally, moving forward, all submissions to the Program will be sent to the Department of the Auditor General, Municipal Pension Reporting Program, 321 Finance Building, Harrisburg, PA 17120, (717) 787-3636, fax (717) 787-7574.

The Department is in the process of creating an online portal for the electronic submission of materials, as well as a policy statement for guidance and will provide appropriate notice when these two initiatives are complete.

Persons with questions should contact the Program at (717) 787-3636.

EUGENE A. DePASQUALE,  
*Auditor General*

[Pa.B. Doc. No. 16-1602. Filed for public inspection September 16, 2016, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 6, 2016.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file his or her comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-12-2016	WSFS Financial Corporation Wilmington New Castle County, DE  Application for approval to acquire 100% of Penn Liberty Financial Corp., Wayne, and thereby indirectly acquire 100% of Penn Liberty Bank, Wayne.	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-1-2016	Jonestown Bank & Trust Company Jonestown Lebanon County	Route 42 and Anthony Drive Manheim Lancaster County	Filed

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-1-2016	Postmark Credit Union Harrisburg Dauphin County  Merger of Postmark Credit Union, Harrisburg, PA, with and into Xceed Financial Credit Union, El Segundo, CA.	Effective



The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-1603. Filed for public inspection September 16, 2016, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**I. NPDES Renewal Applications**

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253081 (Sewage)	Universal Electric Corp 168 Georgetown Road Canonsburg, PA 15317	Washington County Cecil Township	Chartiers Creek (20-F)	Yes

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064068 (Sewage)	Schuylkill County Municipal Authority—Branch Cass WWTP 221 South Centre Street Pottsville, PA 17901	Schuylkill County Branch Township	West Creek (03A)	Yes
PA0061671 (Sewage)	Greenfield Township Sewer Authority (Lackawanna County) PO Box 501 Carbondale, PA 18407-0501	Greenfield Township Lackawanna County	UNT # 29059 to Dundoff Creek (4-F)	Yes

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0247561— SEW	Amos E. Stoltzfus 1650 Mountain Road Newburg, PA 17240	Cumberland County/ Upper Mifflin Township	Three Square Hollow Run/7-B	Y
PA0081043— SEW	Brookeline Manor Nursing Home Facility Guardian Elder Care, Inc. 2 Manor Blvd. Mifflintown, PA 17059	Juniata County/ Fermanagh Township	Big Run/12-A	Y
PA0083712— IW	Bear Valley Joint Authority— Broad Run Water Plant 218 Schoolhouse Road St. Thomas, PA 17252	Franklin County/ St. Thomas Township	Broad Run/13-C	Y
PA0261734— SEW	Stephen J. Moore 4350 Old Orchard Road York, PA 17402	York County/ Springettsbury Township	UNT Kreutz Creek/7-I	Y
PA0088421— SEW	Patrick Gibson 2887 Chaneyville Road Clearville, PA 15535	Bedford County/ Southampton Township	Town Creek/13-A	Y
PA0081532— SEW	Blair Chalet Dowlut Mohammad Reservoir Road Hollidaysburg, PA 16648	Blair County/ Blair Township	Beaverdam Branch Juniata River/11-A	Y
PAS603503— SW	Royal Green, LLC 30 West Huller Lane Reading, PA 19605	Berks County/ Ontelaunee Township	Schuylkill River/3-C	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0001872 (Industrial Waste)	Ardagh Glass P.O. Box 4200 1509 S Macedonia Avenue Muncie, IN 47307-4200	McKean County Port Allegany Borough	Allegheny River (16-C)	Yes
PA0221856 (Sewage)	Scott E Harrington SRSTP 4919 Follett Run Road Warren, PA 16365-8559	Warren County Conewango Township	Jackson Run (16-B)	Yes

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0086291**, Industrial, SIC Code 4922, **Texas Eastern Transmission LP**, 5400 Westheimer Court, Houston, TX 77056-5310. Facility Name: Texas Eastern Transmission LP—Perulack Compressor Station. This existing facility is located in Lack Township, **Juniata County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste (from a groundwater cleanup).

The receiving stream(s), Unnamed Tributary to Lick Run, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.144 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Average Monthly	Daily Maximum	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	9.0	XXX
PCBs, Total (g/L)	XXX	XXX	0.000831	0.00166	XXX	0.00208

In addition, the permit contains the following major special conditions:

- WQBELs below quantitation limits

Parameter Name	Quantitation Limit
Total PCBs	0.5 ug/L

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3636.*

**PA0027171**, Sewage, SIC Code 4952, **Municipal Authority of the Town of Bloomsburg**, 301 E 2nd Street, Bloomsburg, PA 17815-1963. Facility Name: Bloomsburg Municipal Authority Wastewater Treatment Plant. This existing facility is located in Town of Bloomsburg, **Columbia County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 5-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.29 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	890	1,430 Wkly Avg	XXX	25	40 Wkly Avg	50
Total Residual Chlorine (TRC) (Interim)	XXX	XXX	XXX	0.78	XXX	4.0
(Final)	XXX	XXX	XXX	0.35	XXX	1.16
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,070	1,610 Wkly Avg	XXX	30	45 Wkly Avg	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Antimony, Total (µg/L)	Report	Report	XXX	Report	Report	XXX
Cobalt, Total	5.36	10.73	XXX	0.15	0.30	0.37
Copper, Total (Interim)	Report	Report	XXX	Report	Report	XXX
Copper, Total (µg/L) (Final)	0.97	1.94	XXX	27.24	54.48	68.1
Acrolein (µg/L)	Report	Report	XXX	Report	Report	XXX
Acrylonitrile (µg/L)	Report	Report	XXX	Report	Report	XXX
3,4-Benzofluoranthene (µg/L)	Report	Report	XXX	Report	Report	XXX
Vinyl Chloride (µg/L)	Report	Report	XXX	Report	Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	78,355	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	10,447	XXX	XXX	XXX	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

**PA0028266**, Sewage, SIC Code 4952, **Troy Borough**, 49 Elmira Street, Troy, PA 16947-1230. Facility Name: Troy Borough Wastewater Treatment Plant. This existing facility is located in Troy Borough, **Bradford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Sugar Creek, is located in State Water Plan watershed 4-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)						
(Interim)	XXX	XXX	XXX	0.4	XXX	1.3
(Final)	XXX	XXX	XXX	0.11	XXX	0.37
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	80	125	XXX	25.0	38.0	50
May 1 - Oct 31	43	60	XXX	13.0	19.0	30
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	100	150	XXX	30.0	45.0	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen Nov 1 - Apr 30	15	21	XXX	4.5	6.0	9
May 1 - Oct 31	5.0	6.5	XXX	1.5	2.0	3

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	7,306	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

**PA0027049**, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113. Facility Name: West Plant. This existing facility is located in City of Williamsport, **Lycoming County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-A and is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.92 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.35	XXX	4.41
(Final)	XXX	XXX	XXX	0.50	XXX	1.63
CBOD <sub>5</sub>	1,110	1,765	XXX	34	54	68
		Wkly Avg			Wkly Avg	
BOD <sub>5</sub> Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,470	2,190	XXX	45	67	90
		Wkly Avg			Wkly Avg	
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Copper	Report	Report	XXX	Report	Report	XXX
Sulfate	Report	Report	XXX	Report	Report	XXX
Bromoform	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX
Chlorodibromomethane	Report	Report	XXX	Report	Report	XXX
Dichlorobromomethane	Report	Report	XXX	Report	Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	71,597			
Net Total Phosphorus	Report	9,546			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 6570201 A-2**, Industrial, **Alcoa Inc.**, 100 Technical Drive, New Kensington, PA 15069-0001.

This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Modification of the existing industrial wastewater treatment system to change from a semi-continuous process to a batch process.

**WQM Permit No. 5685407 A-1**, Sewage, **Hidden Valley Utility Services, L.P.**, 811 Russell Avenue, Suite F, Gaithersburg, MD 20879.

This existing facility is located in Jefferson Township, **Somerset County**.

Description of Proposed Action/Activity: Replace gaseous chlorine with liquid sodium hypochlorite system.

**WQM Permit No. 5682404 A-2**, Sewage, **Hidden Valley Public Utility Svs LLC**, 811 Russell Avenue, Suite F, Gaithersburg, MD 20879.

This existing facility is located in Jefferson Township, **Somerset County**.

Description of Proposed Action/Activity: Replace chlorine gas disinfection system with a new liquid sodium hypochlorite system at Resort STP No. 1.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. WQG02461606**, Sewage, **Barry Sankey**, 908 Muhlenberg Drive, Trappe, PA 19426.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station for an 8-lot subdivision.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 0598404, Amendment No. 2**, Sewerage, **Borough of Everett Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537-1177.

This proposed facility is located in Everett Borough, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit approval to rehab existing sewer system.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 6172412 A-1**, Sewage, **Fred C Berlin LLC**, 6101 Park Road, Berwick, PA 18603.

This existing facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: Amendment to change from chlorination to UV disinfection and add post-aeration basin and blower.

**WQM Permit No. 6216406**, Sewage, **Frank D Malek**, PO Box 24, Spring Creek, PA 16436.

This proposed facility is located in Spring Creek Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 4316406**, Sewage, **Richard A Edwards**, 476 Methodist Road, Greenville, PA 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 4216406**, Sewage, **Shirley Foster**, 2558 W Washington Street, Bradford, PA 16701.

This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916012	Elizabeth A. Roma 2721 Post Road Orefield, PA 18069	Lehigh	Lowhill Township	Hassen Creek (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024513001(5)	Kalahari Resorts, Pocono Manor Investors PT-L1 1305 Kalahari Drive P.O. Box 590 Wisconsin Dells, WI 53965	Monroe	Tobyhanna and Pocono Townships	Swiftwater Creek (EV) UNT to Swiftwater Creek (EV) Indian Run Creek (EV) UNT to Indian Run Creek (EV)
	The Inn at Pocono Manor P.O. Box 38 Pocono Manor, PA 18349			

*Wayne County Conservation District, 648 Park Street, Honesdale, PA 18431.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640001	Lake Ariel DG, LLC 361 Summit Blvd. Suite 110 Birmingham, AL 35243	Wayne	Salem Township	UNT to Ariel Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033616006	Black Rock Retreat 1345 Kirkwood Pk. Quarryville, PA 17566	Lancaster	Colerain	West Branch Octoraro Creek (HQ-CWF)
PAI033613004(4)	Forino Company, L.P. 555 Mountain Home Road Sinking Spring, PA 19608-9395	Lancaster	Mount Joy Township	UNT Donegal Creek (CWF) EV Wetlands

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI041416011	Mountain View Country Club 1450 South Atherton St. State College, PA 16801	Centre	Harris Twp	Spring Creek HQ-CWF

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315.*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD630002	Washington County Council on Economic Development 273 South Main Street Washington, PA 15301	Washington County	Hanover Township	UNT to Raccoon Creek (WWF)

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### APPLICATIONS NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Mountain Breeze Farm 8069 Spring Road Bernville, PA 19554	Berks	41.8	245.05	Ducks	N/A	Renewal
Linford Snyder A&L 3304 Mountain Road Hamburg, PA 19526	Berks	36.3	160.4	Broilers	N/A	Renewal
Scott M. Ehrisman 748 Hollow Rd. Richfield, PA 17086	Juniata	184.1	515.29	Swine & Beef	NA	Renewal
Kline's Hillside Farm 167 Coble Road Chambersburg, PA 17201	Franklin	15.2; 0 acre available for manure	452.49	Swine, Turkey	NA	Renewal



## PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

##### Application No. 4016512, Public Water Supply.

Applicant	<b>Deans Dominion LLC</b> East Mountain Ridge 293 Rivers Edge Ln. Toms River, NJ 08755
[Township or Borough]	Plains Township <b>Luzerne County</b>
Responsible Official	Mr. Tom Ruddy East Mountain Ridge 293 Rivers Edge Ln. Toms River, NJ 08755
Type of Facility	PWS
Consulting Engineer	Mr. Dominic J. Yannuzzi, PE Alfred Benesch & Co. 1 South Church St. 300 Renaissance Center Hazleton, PA 18201
Application Received Date	08/11/2016

#### Description of Action

Application proposes the creation of a new consecutive PWS system. Finished water from PAWC's PWS system (PWS ID 2409011) will be transferred via an interconnection to the new consecutive PWS system owned by East Mountain Ridge.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### Permit No. 2116510 MA, Minor Amendment, Public Water Supply.

Applicant	<b>Pennsylvania-American Water Company</b>
Municipality	Silver Spring Township
County	<b>Cumberland</b>
Responsible Official	Jon Prawdzik, Operations Superintendent 852 Wesley Drive Mechanicsburg, PA 17055
Type of Facility	Public Water Supply
Consulting Engineer	Scott M. Thomas, P.E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055

Application Received: 8/22/2016

Description of Action Replacement of existing diaphragm chemical feed pumps with peristaltic chemical feed pumps at the Silver Spring Water Treatment Plant.

##### Permit No. 2216506, Public Water Supply.

Applicant	<b>Topstar, Inc.</b>
Municipality	Londonderry Township
County	<b>Dauphin</b>
Responsible Official	Robert J. May, Senior Engineer 155 Railroad Plaza Royersford, PA 19468
Type of Facility	Public Water Supply
Consulting Engineer	Robert J. May, P.E. Synergy Environmental 155 Railroad Plaza Royersford, PA 19468
Application Received:	7/21/2016
Description of Action	The system is requesting the installation of GAC Treatment.

##### Permit No. 0116504, Public Water Supply.

Applicant	<b>New Oxford MHC, LLC</b>
Municipality	Mt. Pleasant Township
County	<b>Adams</b>
Responsible Official	Joseph R. Weber, Chief Operating Officer 9033 Nnemo Street West Hollywood, CA 90069
Type of Facility	Public Water Supply

Consulting Engineer N Peter Fleszar, P.E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Application Received: 8/11/2016

Description of Action Construction of Well No. 6 as a new source of supply. Addition of a blended phosphate for manganese sequestration.

**Permit No. 6716508, Public Water Supply.**

Applicant **Walmar MHC LLC**

Municipality Franklin Township

County **York**

Responsible Official Joseph R. Weber, Chief  
Operating Officer  
9033 Nnemo Street  
West Hollywood, CA 90069

Type of Facility Public Water Supply

Consulting Engineer N Peter Fleszar, P.E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Application Received: 8/12/2016

Description of Action The system is proposing to consolidate EP 101 & EP 102 along with the installation of softening, GWR 4-Log contact piping and a new finished water storage tank.

**Permit No. 3616514 MA, Minor Amendment, Public Water Supply.**

Applicant **Millersville University**

Municipality Manor Township

County **Lancaster**

Responsible Official Steven Strock, Project Manager  
PO Box 1002  
Millersville, PA 17551

Type of Facility Public Water Supply

Consulting Engineer Justin J. Mendinsky, P.E.  
Herbert Rowland & Grubic Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Application Received: 8/18/2016

Description of Action Installation of cathodic protection and repainting of the interior surfaces of the 1.1 million gallon storage tank.

**Permit No. 0116506, Public Water Supply.**

Applicant **New Oxford Municipal Authority**

Municipality Oxford Township

County **Adams**

Responsible Official Thomas R. Beamer, Manager,  
NOMA  
409 Water Works Road  
New Oxford, PA 17530

Type of Facility Public Water Supply

Consulting Engineer Randolph S. Bailey, P.E.  
Wm. F. Hill & Assoc., Inc.  
207 Baltimore Street  
Gettysburg, PA 17325

Application Received: 8/19/2016

Description of Action Replacement of raw water pump no. 2 with a new larger/higher capacity pump with a VFD.

**Permit No. 2116509 MA, Minor Amendment, Public Water Supply.**

Applicant **United States Army Carlisle Barracks**

Municipality Federal Borough

County **Cumberland**

Responsible Official Thomas J. Kelly, Director  
309 Engineer Avenue  
Attn: ATZE-DPW  
Carlisle, PA 17013-5059

Type of Facility Public Water Supply

Consulting Engineer John Van Gehuchten, P.E.  
HDR Engineering Inc  
11 Stanwix Street  
Attn: ATZE-DPW  
Pittsburgh, PA 15222

Application Received: 8/22/2016

Description of Action Repainting of Storage Tank No. 840.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0216526, Public Water Supply.**

Applicant **Fox Chapel Authority**  
255 Alpha Drive  
Pittsburgh, PA 15238

[Township or Borough] Fox Chapel Borough

Responsible Official Mark Nicely, Authority Manager  
Fox Chapel Authority  
255 Alpha Drive  
Pittsburgh, PA 15238

Type of Facility Water system

Consulting Engineer Utility Service Company, Inc.  
1230 Peachtree Street, NR  
Suite 1100  
11th Floor Promenade Building  
Atlanta, GA 30309

Application Received Date August 25, 2016

Description of Action Installation of a mixing system in the Dellafield water storage tank.

**Permit No. 0216527, Public Water Supply.**

Applicant **Fox Chapel Authority**  
255 Alpha Drive  
Pittsburgh, PA 15238

[Township or Borough] O'Hara Township

Responsible Official Mark Nicely, Authority Manager  
Fox Chapel Authority  
255 Alpha Drive  
Pittsburgh, PA 15238

Type of Facility Water system



Consulting Engineer Utility Service Company, Inc.  
1230 Peachtree Street, NR  
Suite 1100  
11th Floor Promenade Building  
Atlanta, GA 30309

Application Received August 25, 2016

Description of Action Installation of a mixing system  
in the RIDC water storage tank.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 3716503, Public Water Supply**

Applicant **Pennsylvania American Water Company**

Township or Borough Ellwood City Borough

County **Lawrence**

Responsible Official David R. Kaufman  
Vice President—Engineering  
800 West Hershey Park Drive  
Hershey, PA 17033

Type of Facility Community Water Supply

Consulting Engineer Jay Lucas, P.E.  
Pennsylvania American Water Company  
300 Galley Road  
McMurray, PA 15317

Application Received August 29, 2016

Description of Action Permit three existing booster  
pump stations.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 6516507MA, Minor Amendment.**

Applicant **Municipal Authority of the Borough of Derry**  
620 North Chestnut Street  
Derry, PA 15627

[Township or Borough] Derry Township

Responsible Official Amy Forsha, Manager  
Municipal Authority of the  
Borough of Derry  
620 North Chestnut Street  
Derry, PA 15627

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co.,  
Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received August 23, 2016

Description of Action Installation of approximately  
1,800 feet of 6-inch diameter  
waterline along Pandora Road.

#### Application No. 3216503MA, Minor Amendment.

Applicant **Central Indiana County Municipal Authority**  
30 East Wiley Street  
Homer City, PA 15748

[Township or Borough] Homer City Borough and Center  
Township

Responsible Official Robert Walbeck, Chairman  
Central Indiana County  
Municipal Authority  
30 East Wiley Street  
Homer City, PA 15748

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received August 25, 2016

Description of Action Installation of approximately  
3,180 feet of waterline along  
Juniper Street, Yankeetown  
Avenue, Six Flat Road and St.  
Clair Street.

#### Application No. 0416502WMP, Minor Amendment.

Applicant **Borough of Ambridge Water Authority**  
PO Box 257  
600 11th Street  
Ambridge, PA 15003

[Township or Borough] Ambridge Borough

Responsible Official Mary W. Hrotic, General  
Manager  
Borough of Ambridge Water  
Authority  
PO Box 257  
600 11th Street  
Ambridge, PA 15003

Type of Facility Water system

Consulting Engineer NIRA Consulting Engineers, Inc.  
950 5th Avenue  
Coraopolis, PA 15108

Application Received August 28, 2016

Description of Action Installation of a mobile bulk  
loading station.

#### Permit No. 5616505MA, Minor Amendment.

Applicant **Hidden Valley Utility Services, LP**  
811 Russell Avenue, Suite F  
Gaithersburg, MD 20879

[Township or Borough] Jefferson Township

Responsible Official James Kettler, President  
Hidden Valley Utility Services,  
LP  
811 Russell Avenue, Suite F  
Gaithersburg, MD 20879

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received      August 29, 2016  
 Date  
 Description of Action      Change from gas chlorination to  
    liquid sodium hypochlorite.

### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**WA-306**, Water Allocation, **Pine Grove Borough**, One Snyder Avenue, Pine Grove, PA 17963, Pine Grove Borough, **Schuylkill County**. The applicant has requested that the Department rescind the referenced Order of Confirmation, which established the Borough's right to use water from Adams Run in Pine Grove Township, and Black Creek in Tremont Township, both in Schuylkill County. The two sources are no longer utilized and have been abandoned.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA56-808B**, Water Allocations. **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622, **Somerset County**. The applicant is requesting the right to withdraw 470,000 gallons of water per day, peak day, from the Hemlock Lodge Spring and Trout Run Spring Nos. 1—4.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WA 43-61D**, Water Allocations. **Aqua Pennsylvania, Inc.**, 665 South Dock Street, Sharon, PA 16146-1835, City of Sharon, **Mercer County**. Water Allocation Permit application requesting the right to withdraw 17.0 MGD as a peak day from the Shenango River.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demon-

strates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Conestoga MHP Lot 20**, 3327 Main Street, Lot 20, Conestoga, PA 17516, Conestoga Township, **Lancaster County**. Liberty Environmental, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Conestoga Mobile Home Park, 252 Willow Valley Road, Lancaster, PA 17602, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in the *LNP* on August 15, 2016.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Franklin Towers**, 1220 Chestnut Street, City of Franklin, **Venango County**. Woodard & Curran, 300 Penn Center Boulevard, Pittsburgh, PA 15235, on behalf of Franklin Towers Affordable, LLC, 11810 Grand Park Avenue, Suite 600, North Bethesda, MD 20852, submitted a Notice of Intent to Remediate. Site soil and groundwater has been shown to be impacted with PAHs. The Notice of Intent to Remediate was published in *The Derrick* and *The News-Herald* on August 12, 2016.

## RESIDUAL WASTE GENERAL PERMITS

**Application Received for Renewal under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR079D004A. IA Construction Corporation**, 158 Lindsay Road, Zelienople, PA 15748. Renewal under General Permit No. WMGR079 for a processing facility located in Paint Township, **Clarion County**, 19000 Paint Boulevard, Shippensburg, PA. WMGR079 is for processing and beneficial use of waste asphalt shingles. The Department has deemed the renewal application to be administratively complete on September 1, 2016.

Written comments concerning the renewal application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on General Permit Number WMGR079D004A" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments,

protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636.*

**25-029D: Erie Coke Corporation** (925 East Bay Drive, Erie, PA 16512), for the proposed installation of equipment designed to control emissions of VOC and HAPs from the open top of an existing process vessel called the Thionizer used in the Absorber/Thionizer Process Unit in Erie City, **Erie County**. This is a Title V facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**



*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**08-00050B: Eureka Resources, LLC** (451 Pine Street, Williamsport, PA 17701) for the modification of their existing wastewater treatment process at the Standing Stone Facility located in Standing Stone Township, **Bradford County**.

The Department of Environmental Protection's (Department) review of the information submitted by Eureka Resources, LLC indicates that the air contamination sources to be constructed/modified, which include the wastewater treatment process, salt extraction process, MBR/RO/IX process, and various storage tanks and silos, will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Pursuant to the BAT requirements, the modified wastewater treatment process will include the installation of a permanent total enclosure and wet scrubber in order to control emissions of volatile organic compounds and hazardous air pollutants to the maximum extent feasible. Based on these findings, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the proposed and modified sources included in this project will not exceed the following limits:

Existing wastewater treatment process: 10.7 tons/year (TPY) VOCs and 5.7 TPY HAPs

Modified wastewater treatment process w/scrubber: 6.0 TPY VOCs and 5.2 TPY HAPs

Salt extraction process: 2.9 TPY NO<sub>x</sub>, 1.7 TPY CO, 1.3 TPY PM, 0.3 TPY VOCs, and 0.3 TPY HAPs

MBR/RO/IX process: 2.7 TPY VOCs and 2.7 TPY HAPs

Storage Tanks: 0.7 TPY VOCs and 0.7 TPY HAPs

Storage Silos: 0.3 TPY PM

In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements:

The storage and handling of clarifier sludge/dry salt shall not at any time result in the emission of fugitive air contaminants. Each incoming tanker load of wastewater shall be sampled and tested to determine the methanol content of the wastewater. All brine concentrate generated from the treatment of gas well water shall only be shipped off site in liquid form. Tanker trucks shall be located inside the facility while being loaded with brine concentrate. All trucks hauling roll-offs containing clarifier sludge/dry salt shall have their loads securely tarped.

The total combined throughput of wastewater processed in Source ID P101 shall not exceed 68,985,000 gallons in any 12 consecutive month period. In addition, the wastewater shall not contain more than 500 ppm methanol, measured as a monthly volume weighted average. Wastewater containing more than 2,500 ppm methanol shall not be processed in Source ID P101. Source ID P101 shall be permanently deactivated upon startup of Source ID P102.

The total combined throughput of wastewater processed in the "low strength methanol" train of Source ID P102

shall not exceed 68,985,000 gallons in any 12 consecutive month period. In addition, the wastewater shall not contain more than 750 ppm methanol, measured as a monthly volume weighted average. Wastewater containing more than 2,500 ppm methanol shall not be processed in the "low strength methanol" train of Source ID P102. The total combined throughput of wastewater processed in the "high strength methanol" train of Source ID P102 shall not exceed 30,660,000 gallons in any 12 consecutive month period. In addition, the wastewater shall not contain more than 20,000 ppm methanol, measured as a monthly volume weighted average. A constant negative pressure shall be maintained in the Permanent Total Enclosure. The packed tower wet scrubber shall have a control efficiency for methanol of at least 95%. The permittee shall perform stack testing upon the scrubber inlet and outlet, in order to determine the methanol control efficiency of the scrubber. The scrubber shall be equipped with instrumentation to continuously monitor the recirculation rate and pressure drop across the packed tower scrubber.

The enclosure shall be equipped with instrumentation to continuously monitor the pressure in the enclosure.

The burner associated with the salt dryer included in Source ID P103 shall only be fired on pipeline-quality natural gas or propane. Control Device ID C103 shall be equipped with instrumentation to continuously monitor the pressure drop across the bag collector. The pressure drop across the salt dryer integral bag collector (ID C103) shall be maintained at 4 inches W.C. or less at any time the dryer is in operation. The permittee shall keep on hand a sufficient quantity of spare bags for the salt dryer integral bag collector in order to be able to immediately replace any bag requiring replacement. No more than 46,116,000 gallons of water shall be processed in Source ID P104 in any 12 consecutive month period. The inlet concentration of methanol in the water processed in Source ID P104 shall not exceed 500 ppm. The loading of recovered methanol from the storage tank into totes or trucks shall occur by submersible fill. Each silo baghouse shall be equipped with instrumentation to continuously monitor the pressure drop across the baghouse. The proposed plan approval contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 08-00050B, the requirements established in the plan approval will be incorporated into State Only Operating Permit 08-00050 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328.*

**25-269A: American Tinning & Galvanizing** (552 West 12th Street, Erie, PA 16501), for the post construction/modified/rebuilt approval for the various tanks constructed/modified/rebuilt after 1972 in Erie City, **Erie**



**County.** This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 25-269A is for the post construction/modified/rebuilt approval for the various tanks constructed/modified/rebuilt after 1972. This Plan Approval will contain emission restriction, testing, record-keeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 101 (Anodizing Department) & Source 102 (Barrel Plating Department) & Source 103 (Rack Plating Department) & Source 104 (Galvanizing Department)
- There shall be no visible emissions from the anodizing building and no visible emissions shall leave the plant property boundary except for water vapor. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using EPA TM 22 or equivalent.
- All recordkeeping shall commence within one week of plan approval issuance and shall be kept for a period of 5 years and made available to the Department upon request.
- The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.
- The company shall maintain a log of the following, at a minimum, from the operational inspections:
  - Visible emission at all building openings in area of source—daily defined as at least once per calendar day, while the source is operating.
- The permittee shall perform a daily operational inspection of the source for any day the source is in operation.
- The permittee shall install, maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- Spillage of acid, caustic, flux, or other process materials shall be cleaned up as soon as practical and contained to minimize fugitive emissions.
- During non-operational periods, either a fume suppressant shall be used in the acid tanks, or the acid tanks shall be covered to reduce evaporative losses.
- Source 101 & 102 & 103
  - The following records shall be maintained:
    - Acid tank recharge date and acid concentration measurements as prescribed (Records must be of sufficient detail to establish the average acid concentration);

- Daily acid temperature (in °F), when using an external heat source to heat the acid tank;
- Malfunctions in the process, and malfunctions of any air pollution abatement device or system.
- An acid fume suppressant shall be used in the hydrochloric acid tanks. If the suppressant used depends on foam to control emissions, a foam layer shall be maintained on the surface of the acid bath. The suppressant shall be used in accordance with the manufacturer's instructions.
- The concentration of the hydrochloric acid in the acid tanks shall not exceed 50 percent by weight. A measurement of the acid concentration shall be made and recorded not more than 12 hours preceding acid tank recharge and again not more than 12 hours following tank recharge and at other times as determined by the permittee.
- The source (as described in Section H) is subject to 40 CFR 63 Subpart WWWW—National Emissions Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
- Source 101 (Anodizing Department)
  - The source (as described in Section H) is subject to 40 CFR 63 Subpart N—National Emissions Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- Source 104 (Galvanizing Department)
  - The following records shall be maintained:
    - Daily, monthly, and annual galvanized steel throughput (in tons);
    - Monthly and annual zinc usage (in tons);
    - Acid tank recharge date and acid concentration measurements as prescribed (Records must be of sufficient detail to establish the average acid concentration);
    - Daily acid temperature (in °F), when using an external heat source to heat the acid tank;
    - Malfunctions in the process, and malfunctions of any air pollution abatement device or system.
  - Annual zinc usage shall be limited to a maximum of 900,000 pounds per year.
  - If the flux tank is upstream of the galvanizing kettle, there shall be no pre-flux materials placed in the galvanizing kettle. All fluxing shall be performed in a separate vessel.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name,

address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-269A] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for state only operating permits or §§ 127.521—127.524 for Title V operating permits.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**15-00052: Allan Myers L.P.**, (410 Doe Run Rd., Coatesville, PA 19320), d.b.a. Independence Construction Materials, for the renewal of a Synthetic Minor Operating Permit in East Fallowfield Township, **Chester County**. This operating permit renewal does not reflect any changes to the batch asphalt plant facility. The primary source of air emissions from the facility is the Batch Asphalt Plant, Source ID 101, which operates on natural gas and uses propane fuel for backup. This source includes cold feed bins, weigh hopper, conveyors, screens, hot bins, load-out silos, and a dust silo. Emissions from the Batch Asphalt Plant are controlled by a Cyclone Collector (Source ID C100) and a Fabric Filter Collector (Source ID C101). Asphalt is heated by a Hot Oil Heater (Source ID 030), which runs on natural gas, with No. 2 fuel oil used as a backup. The following are potential site-wide emissions from the facility: 7.74 TPY for NO<sub>x</sub>, 103.16 TPY for CO, 2.12 TPY for VOC, 10.97 TPY for PM, 4.08 TPY for SO<sub>x</sub>, and 2.07 TPY for HAP. The Drum Mix Asphalt Plant (Source ID 101) is subject to 40 CFR Part 60, Subpart I. Applicable requirements are already incorporated into the operating permit. The permit will continue to contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**15-00136: Merit Medical Systems, Inc.** (65 Great Valley Parkway, Malvern, PA 19355-1302), for a renewal of State Only Operating Permit located in Malvern Borough, **Chester County**. Merit Medical Systems is a surgical and medical device manufacturer and has a potential to emit 4.0 tons per year of volatile organic compounds (VOC). This facility is categorized as a natural minor facility. The permit includes monitoring, record

keeping and reporting requirements to address all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**39-00024: GEO Specialty Chemicals, Inc.** (2409 North Cedar Crest Boulevard, Allentown, PA 18104) The Department intends to issue a State-Only Operating Permit renewal for operation of an industrial organic chemicals manufacturing operation in South Whitehall Township, **Lehigh County**. The Operating Permit will include applicable emission limits and work practice standards along with applicable monitoring, recordkeeping and reporting requirements to ensure the facility complies with the air quality regulations.

**40-00052: Pioneer Aggregates, Inc.** (215 E. Saylor Ave., Wilkes-Barre, PA 18702-2758) The Department intends to issue a State-Only Operating Permit renewal for operation of mining and rock crushing operation in Jenkins Township, **Luzerne County**. The Operating Permit will include applicable emission limits and work practice standards along with applicable monitoring, recordkeeping and reporting requirements to ensure the facility complies with the air quality regulations.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**38-03059: Beck Aluminum Alloy, LTD** (24 Keystone Drive, Lebanon, PA 17042) to issue a State-Only Operating Permit for the operation of a secondary aluminum processing plant in South Lebanon Township, **Lebanon County**. Potential emissions from the facility when combusting natural gas are estimated to be 9.79 tons CO, 4.73 tons NO<sub>x</sub>, 0.25 PM<sub>10</sub>, 0.01 ton SO<sub>x</sub>, 0.13 ton VOC, 4.34 tons of a single HAP (HCl), and 5.53 tons of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production and 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**36-03203: RLB Ventures, Inc. DBA Bench Dogs** (10 Industrial Way, Denver, PA 17512) to issue a State-Only Operating Permit for the operation of three (3) spray booths & silk screening operations in East Cocalico Township, **Lancaster County**. Potential emissions from the facility are estimated to be 11.7 tpy VOC, 1.3 tpy of a single HAP (toluene) and 5.2 tpy of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**67-05117: York Building Products Co., Inc.**, (5952 Lincoln Highway West, Thomasville, PA 17362) to issue a State Only Operating Permit for operation of their quarry and sand processing facility in Jackson Township, **York County**. The 2015 emissions were 7.1 tons of CO, 0.45

ton of NO<sub>x</sub>, 1.07 ton of PM, 0.81 ton of PM<sub>10</sub>, and 0.08 ton of SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**05-05023: New Enterprise Stone & Lime Co., Inc./Ashcom Quarry** (526 Ashcom Road, Everett, PA 15537) to issue a State Only Operating Permit for their Ashcom Blacktop plant in Snake Spring Township, **Bedford County**. The actual 2015 emissions were 33.3 tons of CO, 9.98 tons of NO<sub>x</sub>, 2.25 tons of PM<sub>10</sub>, 7.32 tons of SO<sub>x</sub>, 0.68 ton of VOC, and 1.26 ton of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 60, Subpart I—Standard of Performance for Hot Mix Asphalt Facilities.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940.*

**10-00346: Scrap Salvage & Surplus Butler Plant** (690 Glenwood Way, Butler, PA 16001-8422) intent to issue the renewal State Only Operating Permit for the scrap and waste material facility located in Center Township, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include scrap cutting under a metal hood exhausted to a control device, a diesel generator, a portable torch cutting enclosure controlled by a baghouse, scrap cutting in the yard, and fugitive emissions from the roadways. The diesel generator is subject to the requirements of 40 CFR 60 Subpart IIII. The renewal permit also contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**24-00150: Horizon Wood Products** (PO Box 471, Ridgway, 15853) The Department intends to renew a State Only Operating Permit for the facility located in Fox Township, **Elk County**. The facility is a Natural Minor. The primary sources at the facility are a Biomass Wood Boiler and a Natural-Gas Boiler. Potential emissions from the boilers are as follows: 4.35 tpy NO<sub>x</sub>; 2.36 tpy CO; 2.41 tpy PM; 0.08 tpy SO<sub>2</sub>; 0.34 tpy VOC. The wood fueled boiler is subject to 40 CFR Part 63 Subpart JJJJJJ, the NESHAP for Area Source Boilers. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00378: A Stucki D.B.A. American Industries** (1 American Way, Sharon, PA 16146) for intent to issue an initial Natural Minor Operating Permit to operate a railroad components manufacturing and reconditioning facility located in Sharon City, **Mercer County**. The emitting sources include Oil Quenching, Painting, Punching, Cutting/Grinding, Welding, Maintenance Parts Cleaner, 18 Infrared Gas Heaters and, a Shot Blast Operation. The sources were exempt from plan approval but the PM<sub>10</sub> emissions are over the Operating Permit exemption threshold so the facility must obtain an Operating Permit. The potential emissions from the facility are: NO<sub>x</sub>: 6.53 TPY, CO 5.48 TPY, PM<sub>10</sub> 11.35 TPY, SO<sub>x</sub> 0.04 TPY, VOC 2.37 TPY and, Total HAP 0.22 TPY.

**62-00174: Paws Along the River Humane Society** (212 Elm Street, Warren, PA 16365) The Department intends to renew a State Only Operating Permit for the humane society facility located in the City of Warren, **Warren County**. The facility is a Natural Minor. The primary source at the facility is a small animal crematory. Potential emissions are as follows: 0.08 tpy NO<sub>x</sub>; 0.33 tpy CO; 0.12 tpy PM; 0.06 tpy SO<sub>2</sub>; 0.08 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.



*Coal Applications Received*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 11960202 and NPDES No. PA0234311, Ebensburg Power Co.,** 2840 New Germany Road, Ebensburg, PA 15931, permit renewal for reclamation only of a bituminous surface coal refuse reprocessing mine in Cambria Township, **Cambria County**, affecting 29.8 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 29, 2016.

**Permit No. 32110103 and NPDES No. PA0263371, Bedrock Mines, LP,** 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface mine in Washington Township, **Indiana County**, affecting 9.3 acres. Receiving streams: unnamed tributaries to and South Branch Plum Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 29, 2016.

**Permit No. 11110102 and NPDES No. PA0263249, Laurel Sand & Stone, Inc.,** P.O. Box 556, 210 E. Main Street, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 225.1 acres. Receiving streams: unnamed tributaries to and Bracken Run and unnamed tributary to South Branch Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 29, 2016.

**Permit No. 11100104 and NPDES No. PA0263087, RJC Kohl, Inc.,** 1927 Killen School Road, Nicktown, PA 15762, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Susquehanna, West Carroll and Elder Townships, **Cambria County**, affecting 98.5 acres. Receiving streams: unnamed tributaries to Fox Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2016.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**33110101. MSM Coal Company, Inc.** (P.O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous surface and auger mine in Beaver Township, **Jefferson County**, affecting 30.0 acres. Receiving streams: Unnamed tributary to Reitz Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Redbank Valley Municipal Authority. This renewal is for reclamation only. Application received: August 31, 2016.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**4777SM7 and NPDES PA0257648. Warner Company (c/o Waste Management,** 4 Liberty Lane West, Hampton, NH 03842). Permit renewal for continued treatment of acid mine drainage on a bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 155.0 acres. Receiving stream(s): Unnamed Tributary to Beech Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 23, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 54851342R6. Little Buck Coal Company,** (57 Lincoln Road, Pine Grove, PA 17963), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 5.0 acres, receiving stream: Stumps Run, classified for the following use: cold water fishes. Application received: June 22, 2016.

**Permit No. 40663024C12. Coal Contractors (1991), Inc.,** (PO Box 39, Hazleton, PA 18201), correction to an existing anthracite surface mine operation to include refuse disposal and update the reclamation plan in Hazle Township, **Luzerne County** affecting 583.0 acres, receiving streams: Nescopeck Creek and Hazle Creek, classified for the following use: cold water fishes and HQ—cold water fishes. Application received: August 8, 2016 and revised August 24, 2016.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**26992001. Coolspring Mining, Inc.** (P.O. Box 1328, Uniontown, PA 15401). Revision application to add 380.8 acres of underground mining to an existing noncoal underground mine, located in North Uniontown and Dunbar Townships, **Fayette County**, affecting 740.8 acres. Receiving streams: unnamed tributaries to Cove Run, Dunbar Creek, Coolspring Run, Shutes Run and Redstone Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 2, 2016.



*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 67000301C5 and NPDES Permit No. PA 0224065. Pennsy Supply, Inc. DBA Oldcastle Industrial Minerals**, (1001 Paton Street, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County** affecting 288.75 acres, receiving stream: Little Conewago Creek, classified for the following uses: Trout Stocking. Application received: August 18, 2016.

**Permit No. 06010301C6 and NPDES Permit No. PA0224146. Berks Products Corp.**, (167 Berks Products Drive, Leesport, PA 19533), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Maxatawny Township, **Berks County** affecting 38.4 acres, receiving stream: Maiden Creek Watershed, classified for the following uses: Cold Water Fishes. Application received: August 22, 2016.

**Permit No. 58060862. Robert K. Volk**, (2318 Narrow Gouge Road, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Middletown Township, **Susquehanna County** affecting 2.0 acres on property owned by Clint J. Long and Travis J. Long. Application received: August 29, 2016.

**Permit No. 66080803. Russell W. Prevost**, (693 Oliver Road, Meshoppen, PA 18630, Stage I & II bond release of a quarry operation in Windham Township, **Wyoming County** affecting 1.0 acre on property owned by Beth Tiffany. Application received: August 29, 2016.

**Permit No. 7475SM10C10 and NPDES No. PA0123242. Essroc Cement Corp.**, (3938 Easton Nazareth Highway, Nazareth, PA 18064), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Nazareth Township, **Northampton County** affecting 139.3 acres, receiving stream: East Branch of Monocacy Creek, classified for the following uses: high quality—cold water fishes. Application received: August 25, 2016.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

##### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

##### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**NPDES No. PA0599123 (Mining Permit No. 4074SM28) PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541. Application for an NPDES permit for surface mining of coal in Summit Township, **Somerset County**, affecting 10.7 acres. Receiving stream: unnamed tributary to Bigby Creek, classified for the following use: cold water fishes. This receiving stream is included in the Casselman River TMDL. Application received: August 1, 2016.

The outfall listed below discharges to unnamed tributary to Bigby Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfalls: 002 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Osmotic Pressure (mOsm/kg)		50	
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 11.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**NPDES No. PA 0256781 (Mining permit no. 17080105), King Coal Sales, Inc.**, P.O. Box 712, Philipsburg, PA 16866, renewal of an NPDES permit for a coal mining Permit in Morris Township, **Clearfield County**, affecting 104.3 acres. Receiving stream(s): Unnamed Tributaries to Alder Run and Alder Run, classified for the following use(s): Cold Water Fisheries. Application received: April 11, 2016.

The outfall(s) listed below discharge to: Unnamed Tributaries to Alder Run and Alder Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP 001	N
TP 002	N
TP 003	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50 milliosmoles/kilogram

<sup>1</sup> The parameter is applicable at all times.

NOTE that Treatment Facilities TF-1 and TF-2 are meant to store and pretreat pit water for pumping to TF-3 for final treatment and discharge to Alder Run. However, if the pit water within the TF-1 and TF-2 treatment basins meets the in-stream effluent criteria, the operator has the option to discharge directly from these points to the receiving streams.

*Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**NPDES No. PA0613045 (Mining Permit No. 01740401), Valley Quarries, Inc.,** P.O. Box 2009, Chambersburg, PA 17201, renewal of an NPDES permit for a limestone quarry in Hamiltonban Township, **Adams County**, affecting 38 acres. Receiving stream: Muddy Run, classified for the following use: cold water fishes. Application received: August 19, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall listed below discharges to Muddy Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfalls: 001</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	XXX	XXX	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0262846 (Mining Permit No. 56090301), New Enterprise Stone & Lime Co., Inc.,** 3912 Brumbaugh Road, New Enterprise, PA 16664, renewal of an NPDES permit for non-coal surface mining in Jefferson Township, **Somerset County**, affecting 4.8 acres. Receiving streams: unnamed tributaries to/and Kooser Run and unnamed tributaries to/and Shafer Run classified for the following uses: high quality, cold water fishes. This receiving stream is included in the Casselman TMDL. Application received: February 17, 2016.

The outfalls listed below discharge to unnamed tributary to Kooser Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 002 (≥10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Carbonaceous Biochemical Oxygen Demand (COBD <sub>5</sub> )			Monitor and Report
Ammonia (NH <sub>3</sub> -N)			Monitor and Report
Nitrates/Nitrites (No2/No3-N)			Monitor and Report
Phosphorus			Monitor and Report
Total Residual Chlorine (TRC)			Monitor and Report
Lead (Total)			Monitor and Report
Copper (Total)			Monitor and Report
Iron (Total)			Monitor and Report
Sulfate			Monitor and Report
Aluminum (Total)			Monitor and Report
Total Suspended Solids (mg/l)			Monitor and Report
Total Dissolved Solids			Monitor and Report
Zinc (Total)			Monitor and Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**NPDES No. PA0241938 (Permit No. 10010309), Annandale Sandstone** (219 Goff Station Road, Boyers, PA 16020) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Venango Township, **Butler County**, affecting 17.6 acres. Receiving streams: Unnamed tributary to Seaton Creek and Seaton Creek, classified for the following uses: CWF. TMDL: Seaton Creek. Application received: July 26, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Seaton Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to Seaton Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Settleable Solids (ml/l)				0.5

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**NPDES No. PA-0257681 (Mining permit no. 08110305), Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, State College, PA 16803, renewal of an NPDES permit for a noncoal surface mine in Windham and Rome Townships, **Bradford County**, affecting 150.8 acres. Receiving stream(s): Trout Brook and Wysox Creek, classified for the following use(s): CWF. Application received: August 15, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Trout Brook and Wysox Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (SP01)	No
002 (SP03)	No
003 (SP04)	No

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**NPDES Permit No. PA0594261 on Surface Mining Permit No. 5273SM1. H & K Group, Inc.**, (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a gneiss and schist quarry operation in Aston Township, **Delaware County**, affecting 37.08 acres. Receiving stream: Chester Creek, classified for the following use: trout stock fishes. Application received: September 2, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Chester Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sediment Pond

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0225622 on Surface Mining Permit No. 64160301. Wayco, Inc.**, (198 O'Connell Road, Waymart, PA 18472), new NPDES Permit for a sandstone & shale quarry operation in Palmyra Township, **Wayne County**, affecting 36.0 acres. Receiving stream: unnamed tributary to Wallenpaupack Creek, classified for the following use: HQ—warm water and migratory fishes. Application received: February 8, 2016.

Non-discharge BMP's shall be in effect.

**NPDES Permit No. PA0223573 on Surface Mining Permit No. 7775SM12. Highway Materials, Inc.**, (1750 Walton Road, Blue Bell, PA 19422), renewal of an NPDES Permit for a sandstone quarry operation in Alsace Township, **Berks County**, affecting 137.4 acres. Receiving stream: unnamed tributary to Laurel Run, classified for the following use: cold water fishes. Application received: April 29, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.



The outfall(s) listed below discharge to unnamed tributary to Laurel Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0225363 on Surface Mining Permit No. 58162512. Ronald Opeil Flagstone Co., LLC** (859 John C. McNamara Drive, Montrose, PA 18801), new NPDES Permit for a bluestone (GP105) quarry operation in Harmony Township, **Susquehanna County**, affecting 10.0 acres. Receiving stream: East and North Branches Hemlock Creek, classified for the following use: EV. Application received: August 15, 2016.

Non-discharge BMP's shall be in effect.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E39-545. Lower Macungie Township**, 3400 Brookside Road, Macungie, PA 18062, in Lower Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 10-foot wide prefabricated wooden pedestrian bridge across the Little Lehigh Creek (HQ-CWF) having a 50-foot span and a 15-foot underclearance with a 160-foot long elevated wooden ramp at the left approach and a 110-foot long elevated wooden ramp at the right approach. The approach ramps are supported by four (4) 1-foot wide wooden piers. The project is located on the south side of Spring Creek Road approximately 1.2 mile northeast of its intersection with SR 0100 (Allentown West, PA Quadrangle, Latitude: 40°32'33"; Longitude: -75°34'58").

**E35-462. Thirty Nine Hundred Corporation**, 7 Park Center Court, Owing Mills, MD 21117, in South Abington Township, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 2,000 square foot commercial building, parking lot and driveway within the floodway of unnamed tributary to Summit Lake Creek (TSF, MF). The project also proposes the removal of an existing driveway crossing over the unnamed tributary to Summit Lake Creek (TSF, MF). The project is located along Northern Boulevard approximately 500 feet from its intersection with Shady Lane Road (Township of South Abington, PA Quadrangle, Latitude: 41°28'33.7"; Longitude: -75°41'3.3").

**E13-186. Pocono Whitewater, LTD**, 1519 State Road 903, Jim Thorpe, PA 18229, in Bowmanstown Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill within 0.21-acre of the floodway of the Lehigh River (TSF, MF) for the purpose of constructing a 12-foot wide, 465-foot long gravel access road and a 55-foot × 65-foot gravel parking area to provide river access associated with whitewater rafting. The project is located to the southwest of Bank Street, approximately 0.2 mile southeast of the intersection of East Lizard Creek Road and Lehigh Street (Lehigh Township, PA Quadrangle, Latitude: 40°47'52.31"; Longitude: -75°40'0.5").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E22-617. Lykens Borough**, 200 Main Street, Lykens, PA 17048 in Lykens Borough, **Dauphin**, U.S. Army Corps of Engineers Baltimore District.

(Lykens Quadrangle 40° 33' 54.5" N, 76° 42' 24" W)

Lykens Borough proposes to amend the existing permit to perform additional work on Rattling Creek (HQ-CWF, MF) a wild and stocked trout stream. The additional waterway impacts are to add an additional 112 feet of gabion baskets on the north bank downstream of the retaining wall. In addition, the R-6 that was proposed to be placed for bank stabilization will be replaced with R-7 and the Redi-Rock wall may be substituted with a precast modular block retaining wall. There are no wetlands located in the project area.

**E36-956: Ephrata Borough Authority**, in Ephrata Borough and East Cocalico Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structures and to construct and maintain 1.) a sewage pumping station and associated parking area; and 2.) a 12 inch diameter ductile iron sewage force main, all in the floodplain of Cocalico Creek (WWF, MF) (Latitude: 40°11'15.03"; Longitude: -76°10'47.15"W) in Ephrata Borough and East Cocalico Township, Lancaster County.

**E67-926 PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699 in Codorus Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structure and to (1) install and maintain a 55 linear foot × 33 foot 4.5 inch bridge with R-8 and R-4 scour protection in Pierceville Run (WWF, MF) and (2) relocate 73 linear feet of UNT Pierceville Run (WWF, MF) along SR 0216 in Codorus Township York County (Latitude: 39° 45' 57"; Longitude: -76° 46' 24.8"), for the purpose of improving transportation safety and roadway standards. The proposed project to permanently impact 148 feet of stream channel and 0.01 acre of EV PEM Wetlands. The project temporarily impacts 29 linear feet of stream channel. The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland mitigation is not required.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**EA14-009. Clearwater Conservancy**, 2555 North Atherton Street, State College, PA 16803. Radzwich Property Streambank Restoration and Protection Project, in Ferguson Township, **Centre County**, ACOE Baltimore District (Pine Grove Mills, PA Quadrangle N: 40.727712°; W: 77.931014°).

To restore 640 feet of stream channel that has been severely impacted by cattle, stabilize 114 feet of vertical eroding banks, restore a pool-riffle sequence where appropriate, improve in-stream aquatic habitat, install two cattle crossings, and remove a non-functioning agricultural impoundment. Once the stream work is completed, the applicant will place riparian fencing in conjunction with the planting of riparian vegetation including trees and shrubs. The area within the proposed limit of disturbance (LOD) boundary will be approximately 1.91 acre and will include 0.30 acre of permanent stream impacts, 0.24 acre of permanent and 0.63 acre of temporary floodplain impacts, 0.22 acre of permanent wetland impacts and 0.39 acre of temporary upland impacts. Earth disturbance will not occur within the remaining 0.33 acre of the LOD. The proposed impacts are in or near Spruce Creek, which is classified as a High Quality-Migratory Fishery.

**E41-675. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218 Montoursville, PA 17754-0218. S.R. 0405 Section 082, Turkey Run Bridge Replacement Clinton Township, **Lycoming County**, Baltimore ACOE (Muncy, PA Quadrangle N: 41° 11' 41"; W: -77° 49' 29").

PA DOT Engineering District 3-0 proposes to replace a single span concrete slab bridge with a single cell precast concrete box culvert. The proposed structure is approximately 29 Ft. longer than the existing structure, therefore the project does not qualify for a General Permit 11. The proposed structure has been designed to accommodate future fill over the structure to raise the roadway profile, which could be constructed in the future to improve horizontal sight distance. The existing bridge has a span of 10.0 Ft., a skew of 85 degrees, an underclearance of 8.15 Ft., and a low chord of 503.30 Ft. and a hydraulic opening of 81.5 Ft<sup>2</sup>. The proposed box culvert has a span of 24 Ft., a skew of 85 degrees, an underclearance of 7.0 Ft., and a low chord of 503.09 Ft. and a hydraulic opening of 168.0 Ft<sup>2</sup>. The proposed box culvert will be depressed twelve inches and include full width baffles to accommodate aquatic passage in accordance with the BD-632M and PA Fish and Boat Commission recommendations. The project will not impact any jurisdictional wetlands. Turkey Run is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards.

*Northcentral Region: Waterways and Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701.*

Certification Request initiated by **Dominion Transmission Inc.**, 500 Dominion Boulevard, Glen Allen, VA 23060. Leidy South Project in Leidy Township, **Clinton County** (Tamarack, PA Quadrangle Lat: 41° 25' 32.04"; Long: -77° 51' 19.86"), Spring Township, **Centre County** (Mingoville, PA Quadrangle Lat: 40° 52' 47.38"; Long: -77° 43' 48.82"), and Hamilton Township, **Franklin County** (Chambersburg, PA Quadrangle Lat: 39° 53' 28.29"; Long: -77° 43' 12.52"), ACOE Baltimore District.

**WQ04-003.** The proposed project consists of upgrades to three existing compressor stations. The Finnefrock Compressor Station in Leidy Township, Clinton County, the Chambersburg Compressor Station in Hamilton Township, Franklin County, and the Centre Compressor Station in Spring Township, Centre County.

On May 15, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-148-000). The FERC Environmental Assessment for the Project, which was issued on March 30, 2016, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-492-000).

On August 3, 2016, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The proposed project consists of three upgrades to three existing compressor stations. The Finnefrock Compressor Station in Leidy Township, Clinton County, the Chambersburg Compressor Station in Hamilton Township, Franklin County, and the Centre Compressor Sta-

tion in Spring Township, Centre County. The project as proposed will require approximately 42.2 acres of earth disturbance at the Finnefrock Compressor Station, 6.92 acres of disturbance at the Chambersburg Compressor Station, and 4.1 acres of earth disturbance at the Centre Station. There are no anticipated stream or wetland impacts for the project.

PADEP anticipates issuing a state water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

2. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

3. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

4. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

5. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

6. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Northcentral Regional Office, Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands, 201 West Third Street, Suite 101, Williamsport, PA 17701.

7. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms

and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

8. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

9. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final state water quality certification, PADEP will consider all relevant and timely comments, suggestions or objections submitted to PADEP within 30 days of this notice. Comments should be directed to Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E33-254, Brookville Municipal Authority**, 18 Western Avenue, Suite A, Brookville, PA 15825, Brookville Phase 2 & 1B Improvements, **Jefferson County**, ACOE Pittsburgh District (Brookville, PA Quadrangle N: 41°, 09', 06"; W: -79°, 05', 19").

To conduct the following activities within the floodway and 100-year floodplain of Redbank Creek associated with improvements Phase 1B & 2 to the Brookville Wastewater Treatment Facility (Brookville, PA Quadrangle N: 41°, 09', 06"; W: -79°, 05', 19") in Brookville Borough, Jefferson County.

- Installation of two 18" diameter HDPE stormwater drains feeding a single 24" diameter HDPE stormwater outfall with concrete headwall and R-4 riprap protection to address drainage of the northern portion of the site. (N: 41°, 09', 09.371"; W: -79°, 05', 21.188")

- Installation of the Influent Pump Station and 30" diameter Ductile Iron Influent Pipe. (N: 41°, 09', 09.320"; W: -79°, 05', 19.529")

- Installation of a 12" diameter HDPE stormwater outfall with R-3 riprap protection to address drainage of the mid-portion of the site. (N: 41°, 09', 06.484"; W: -79°, 05', 20.011")

- Installation of Clarifiers # 1 & # 2 including associated appurtenances and demolitions within the left bank (east) floodplain of Redbank Creek. (N: 41°, 09', 06.001"; W: -79°, 05', 18.826")

- Installation of the Cascade Aerator and 24" diameter Ductile Iron Effluent Drain Pipe. (N: 41°, 09', 05.018"; W: -79°, 05', 19.662")

- Installation of a 30" diameter HDPE stormwater outfall with concrete headwall and R-4 riprap protection to address drainage of the southern portion of the site. (N: 41°, 09', 04.043"; W: -79°, 05', 20.494")

- Temporary impacts to the floodway and 100-year floodplain of Redbank Creek associated with construction



activities to be remedied by stabilization and re-vegetation according to the approved Erosion & Sedimentation Plan.

**E42-372, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV059 Havens Run Bridge Replacement State Route 00046 Segment 0060 Offset 0000 Section A03 over Havens Run in Norwich Township, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle N: 41°, 38', 4"; W: -78°, 21', 26").

To remove the existing structure and to construct and maintain a 24' × 10' precast concrete box culvert on Havens Run in Norwich Township, McKean County with associated impact to 0.042 acre of wetland and 80 feet of permanent linear impact to Havens Run.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**EA36-043: Mr. Mahlon Martin**, 307 Goods Road, Ephrata, PA in West Earl Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to re-grade and maintain 1,525.0 feet of the left bank of the Conestoga River (WWF,

MF) for the purposes of reducing sediment loading to the Conestoga River and reducing the frequency of flooding on Cabin Road. The project is located approximately 0.25 mile east of the intersection of Conestoga Creek Road and Cabin Road (Ephrata, PA Quadrangle, Latitude 40°08'48.25"N, Longitude: -76°08' 33.72"W) in West Earl Township, Lancaster County. No wetlands will be impacted by this project.

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.*

**D45-318EA. Kate Ebel, Environmental Scientist, Wildlands Conservancy**, 3701 Orchid Place, Emmaus, PA 18049, Tunkhannock Township, **Monroe County**, USACOE Philadelphia District.

Project proposes to remove the Maple Tract Preserve Dam for the purpose of eliminating a threat to public safety and to restoring approximately 300 feet of stream channel to a free-flowing condition. The proposed restoration project includes construction of habitat enhancement structures in the stream channel through the former reservoir. The project is located across Tunkhannock Creek (HQ-CWF, MF) (Blakeslee, PA Quadrangle, Latitude: 41.0656; Longitude: -75.5214).

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.



Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0091898 (Sewage)	Pine Valley Estates MHP STP 1283 Sugar Hollow Road Apollo, PA 15613	Armstrong County Kiskiminetas Township	Unnamed Tributary to Rattling Run (18-B)	Y
PA0035882 (Sewage)	Placid Manor MHP STP Edna Road Adamsburg, PA 15611	Westmoreland County Hempfield Township	Unnamed Tributary of Little Sewickley Creek (19-D)	Y
PA0204625 (Sewage)	Feather Nest MHP STP 1510 Darkshade Drive Windber, PA 15963-6223	Somerset County Paint Township	Unnamed Tributary to Shade Creek (18-E)	No
PA0217867 (Sewage)	Residential Resources Southwest STP 6383 Tuscarawas Road Midland, PA 15059	Beaver County Ohioville Borough	Unnamed Tributary to Upper Dry Run (20-B)	Y
PA0094137 (Sewage)	Suburban Terrace MHC STP 8038 Jupiter Drive Aliquippa, PA 15001	Beaver County Hopewell Township	Unnamed Tributary to Boggs Run (20-G)	Y
PA0217247 (Sewage)	WBM Enterprises STP 181 Hudson Road Creekside, PA 15732	Indiana County Washington Township	Unnamed Tributary of South Branch Plum Creek (17-E)	Y

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0244856 (Industrial)	Waste Management of Fairless, LLC 1000 New Ford Mill Road Morrisville, PA 19067	Bucks County Falls Township	Delaware River 2-E	Y
PA0056570 (Industrial)	Hoover Treated Wood Products, Inc. 154 Wire Road Thomson, GA 30824	Chester County East Nottingham Township	Unnamed Tributary to Little Elk Creek 7-K	Y
PA0055875 (Sewage)	The Upper Hanover Authority 1704 Pillsbury Road P.O. Box 205 East Greenville, PA 18041-0205	Montgomery County Upper Hanover Township	Macoby Creek 3-E	Y
PA0244236 (Sewage)	Upper Makefield Township 1076 Eagle Road Newtown, PA 18940	Bucks County Upper Makefield Township	HoughsCreek 2-E	Y
PA0012416 (Industrial)	Pennsylvania American Water 800 West Hershey Park Drive Hershey, PA 17033	Chester County West Caln Township	Rock Run Reservoir 3-H	N

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081213— SEW	Clay Township Supervisors Hopeland Village STP 870 Durlach Road Stevens, PA 17578	Lancaster County/ Clay Township	UNT Middle Creek/7-J	Y
PA0087271— IW	East Petersburg Borough (Koser Road Spring Facility) 6040 Main Street PO Box 176 East Petersburg, PA 17520	Lancaster County/ Manheim Township	UNT Little Conestoga Creek/7-J	Y
PA0246816— SEW	Lenker Estates Homeowners Assoc. PO Box 123 Dauphin, PA 17018-0123	Dauphin County/ Halifax Township	UNT Susquehanna River/6-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0021806— SEW	Annville Township Authority PO Box 178 Annville, PA 17003	Lebanon County/ Annville Township	Quittapahilla Creek/7-D	Y
PA0033111— SEW	Oak Creek Campgrounds, Inc. 400 E. Maple Grove Road Narvon, PA 17555	Lancaster County/ Brecknock Township	Rock Run/7-J	Y
PA0010251— IW	U.S. Army Carlisle Barracks 330 Engineer Avenue Carlisle, PA 17013-5020	Cumberland County/ North Middleton Township	UNT Letort Spring Run/7-B	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**NPDES Permit No. PA0255106**, Sewage, SIC Code 6035, **First Federal Savings & Loan Association**, 25 East High Street, Waynesburg, PA 15370.

This proposed facility is located in South Franklin Township, **Washington County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage from a Single Residence STP.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**NPDES Permit No. PA0266124**, Sewage, **Nick & Les, Inc.**, 3801 Germantown Pike, Collegeville, PA 19426.

This proposed facility is located in Robeson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge from Green Hills Estates STP to Allegheny Creek in Watershed 3-C.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0264598**, Sewage, SIC Code 8800, **Thomas Zimmer**, 5888 Lunger Road, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0264580**, Sewage, SIC Code 8800, **Raymond Bates**, 248 Carbon Center Road, Butler, PA 16002.

This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 4698412**, Sewage, Amendment # 3, **Lower Perkiomen Valley Region Sewer Authority**, 101 Station Avenue, P.O. Box 297, Oaks, PA 19456.

This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: To increase maximum monthly daily flow from 20 mgd to 26 mgd and increase monthly.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 0616404**, Sewerage, **Nick & Les, Inc.**, 3801 Germantown Pike, Collegeville, PA 19426.

This proposed facility is located in Robeson Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a new extended aeration treatment plant to serve Green Hills Estates.

**WQM Permit No. 2894402, Amendment No. 4**, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9503.

This proposed facility is located in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the upgrade of the existing treatment plant. This permit application was for the replacement of the existing mechanical bar.

**WQM Permit No. 0503405, Amendment No. 2**, Sewerage, **East Providence Township Municipal Authority**, PO Box 83, Breezewood, PA 15533-0083.

This proposed facility is located in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for modifications at existing treatment plant.

**WQM Permit No. WQG02670601**, Sewerage, **York PA Hospital Co., LLC**, 325 South Belmont Street, York, PA 17403.

This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of the Memorial Hospital Campus Mixed Use Development sewer extension and pump station.

**WQM Permit No. 2813201, Amendment No. 2**, CAFO, **Burk Lea Farms**, 3099 Grand Point Road, Chambersburg, PA 17201.

This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction/operation of 3 new manure storage structures.

**WQM Permit No. 6715410**, CAFO, **Star Rock Farms, LLC**, 175 Chestnut Grove Road, Conestoga, PA 17516.

This proposed facility is located in Chanceford Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a 100-foot diameter, 12-foot deep circular concrete in-ground storage structure with 10-inch thick concrete at Heindel Steer Farms.

**WQM Permit No. 3616202**, CAFO, **Garrett Weaver**, 1501 Eshelman Mill Road, Willow Street, PA 17584-0550.

This proposed facility is located in West Lampeter Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of an HDPE-lined lagoon with a clay secondary liner. The capacity would offer 14.6 months' worth of storage. A perimeter/leak detection system with shut off valve will be installed.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2516407**, Sewage, **Thomas Zimmer**, 5888 Lunger Road, Erie, PA 16510.

This proposed facility is located in Harborscreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 3774402 A-2**, Sewage, **Neshannock Township Lawrence County**, 3131 Mercer Road, New Castle, PA 16105.

This existing facility is located in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: Upgrade of Ludwig Road pump station force main.

**WQM Permit No. 2001423 A-1**, Sewage, **Pittsburgh University**, 3412 Forbes Avenue, Floor 4, Pittsburgh, PA 15260.

This existing facility is located in North Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: Install dechlorination tank with dechlorinator to existing sewage treatment facility.

**WQM Permit No. 1016405**, Sewage, **Raymond Bates**, 248 Carbon Center Road, Butler, PA 16002.

This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

## **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025215003	Pennsylvania Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Blooming Grove Township	UNT to Billings Creek (HQ-CWF, MF), Billings Creek (HQ-CWF, MF)
PAI024816003	Township of Palmer c/o Mr. Christopher S. Christman 3 Weller Place Palmer, PA 18045	Northampton	Bethlehem Township and Palmer Township	Bushkill Creek (HQ-CWF, MF)
PAI024814005(1)	Lehigh Valley Industrial Park, Inc. c/o Kerry A. Wrobel 1720 Spillman Drive Suite 150 Bethlehem, PA 18015-2164	Northampton	Lower Saucon Township and City of Bethlehem	Saucon Creek (CWF, MF) Saucon Creek (HQ-CWF, MF) East Branch Saucon Creek (CWF, MF) Lehigh River (WWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAS10U127R(2)	J.G. Pretrucci Company, Inc. c/o Mr. Joseph Correia 171 Route 173 Suite 201 Asbury, NJ 08802-1365	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAI025216001	Greentown DG, LLC 361 Summit Boulevard Suite 110 Birmingham, AL 35243	Pike	Greene Township	UNT to Wallenpaupack Creek (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI041416005	Penn State University 139J Physical Plant Bldg University Park, PA 16802	Centre	College Twp	Thompson Run, HQ-CWF, MF
PAI041416008	Columbia Gas of PA Inc 4000 Energy Drive Bridgeville, PA 15017	Centre	Patton Twp Benner Twp	UNT to Buffalo Run, HQ-CWF UNT to Big Hollow CWF

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides



*General Permit Type—PAG-02**Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Jessup Borough Lackawanna County	PAG02003516014	Kiewit Power Constructors Company 1000 Sunnyside Road Jessup, PA 18434	Grassy Island Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Kingston Borough Luzerne County	PAG02004016011	Southern Lincoln, Inc. Sam Marranca 41 South Main Street Pittston, PA 18640	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
Lenox Township Susquehanna County	PAG02005816001	Sean Burke SWN Production Co. SWN Production Co, LLC 917 State Route 92N Tunkhannock, PA 18657	UNT to East Branch Tunkhannock Creek (CWF, MF)	Susquehanna County Conservation District 570-278-4600

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Spring Twp Centre Cnty	PAG02001413015(1)	RRB1, LLC 1035 Two Mile Road Howard, PA 16841	UNT-Logan Branch, CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Spring Twp Centre Cnty	PAG02001416014	Mr. William K. First 100 Limestone Drive Bellefonte, PA 16823	UNT-Logan Branch, CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Muncy Creek Twp Lycoming Cnty	PAG02004116012	Colleen Kester PPL Electric Utilities Two North Ninth St Allentown, PA 18101	UNT to Muncy Ck, CWF, MF Muncy CK, TSF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Loyalsock Twp Lycoming Cnty	PAG02004114009(1)	Richard Born Liberty Hospitality Group 1500 Sycamore Rd Montoursville, PA 17754	Millers Run, WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Williamsport Borough Lycoming Cnty	PAG02004116010	Colleen Kester PPL Electric Utilities Two North Ninth St Allentown, PA 18101	Daugherty Run, WWF W.B. Susquehanna River, WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Woodward Twp Lycoming Cnty	PAG02004116015	Robert Glunk Muncy Bank & Trust Co 2 North Main St Muncy, PA 17756	UNT to Pine Run, WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Old Lycoming Twp Lycoming Cnty	PAG02004115015	Gabe Hutchinson LGN Management LLC 155 Phillips Park Dr S. Williamsport, PA 17702	UNT to Lycoming Creek, WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Clinton Twp Lycoming Cnty	PAG02004116011	Eric Moore West Branch Regional Auth 127 Girton Drive Muncy, PA 17756	Black Hole Creek, TSF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Delaware Twp Northumberland Cnty	PAG02004916007	John Taylor Residence 139 Easley Road Milton, PA 17837	Tributary 12379 to Warrior Run, WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Shamokin Twp, Northumberland Cnty	PAG02004916006	Sunbury Dollar General Sunbury DPP, LLC 9010 Overlook Blvd Brentwood, TN 37027	UNT Plum Creek, CWF-MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Clifford Township Susquehanna County	PAR212227	Kochmer Quarries, Inc. P.O. Box 4 4 Main Street Clifford, PA 18413	Unnamed Tributary to Dundaff Creek—4-F CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Brookville Borough Jefferson County	PAR808390	Schlumberger Tech Corp 147 Industrial Parkway Brookville, PA 15825	Mill Creek and Unnamed Tributary to Mill Creek—17-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942
Monroeville Ldfl 600 Thomas Street Monroeville, PA 15146 Monroeville Borough Allegheny County	PAR506108	Chambers Development Co. Inc. 100 Rangos Lane Washington, PA 15301	Unnamed Tributary to Turtle Creek and Turtle Creek—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Unity Township Westmoreland County	PAR206164	Latrobe Foundry Mach & Supply Co. PO Box 431 Latrobe, PA 15650-0431	Unnamed Tributary to Ninemile Run—18-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Stanley Brymesser 1540 Leidigh Drive Boiling Springs, PA 17007	Cumberland	153.63	392	Swine/Steers	HQ-CWF	Approved
Lester Martin 415 E. Old York Road Carlisle, PA 17015	Cumberland	88.5	135.3	Ducks	EV	Approved
Arlin Wadel 301 McCulloch Road Shippensburg, PA 17257	Cumberland	230.4	348.6	Layers/Sheep	NA	Approved
Spring Pond Farm 93 Deck Rd Womelsdorf PA, 19567	Berks	75.8	378.9	Poultry (Layers)	N/A	Approved

### PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to

the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### SAFE DRINKING WATER

##### **Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Operations Permit # 4616501** issued to: **SPS Technologies, Inc.**, 301 Highland Avenue, Jenkintown, PA 19046 [(PWSID)] Lower Oxford Township, **Chester**

**County** on August 23, 2016 for the operation of previously existing SPS Technologies, Inc., Water System, including well, Sodium Hypochlorite Feed, 1,000-Gallon Storage Tank, Two Distribution Feed Pumps, and recently Constructed Potassium Orthophosphate Feed facilities approved under construction permit # 4616501.

**Operations Permit # 0908508** issued to: **Richlandtown Borough Water Department**, 125 South Main Street, P.O. Box 455, Richlandtown, PA 18955, [(PWSID)] Richlandtown Borough, **Bucks County** on August 23, 2016 for the operation of Arsenic Treatment and Sodium Hypochlorite at Well Nos. 1 and 3 of facilities approved under construction permit # 0908508.

**Operations Permit # 0910526** issued to: **Solebury School**, 6832 Phillips Mill Road, New Hope, PA 18938, [(PWSID)] Solebury Township, **Bucks County** on August 25, 2016 for the operation Wells 102 and 103 Certification of 4-Log Inactivation of Viruses facilities approved under construction permit # 0910526.

**Operations Permit # 2315501** issued to: **Chester Water Authority**, 415 Welsh Street, P.O. Box 467, Chester, PA 19016, [(PWSID)] Aston Township, **Delaware County** on September 1, 2016 to Repaint and Minor Repairs to Village Green Tank No. 1 for the operation of facilities approved under construction permit # 2315501.

**Permit No. 2316503, Minor Amendment.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Tinicum
County	<b>Delaware</b>
Type of Facility	PWS
Consulting Engineer	GHD 1240 North Mountain Road Harrisburg, PA 17112
Permit to Operate Issued	August 30, 2016

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 2359008, Operations Permit.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Dr. Hershey, PA 17033
[Borough or Township]	South Abington Township
County	<b>Lackawanna</b>
Type of Facility	PWS
Consulting Engineer	Mr. James Shambaugh, PE Gannett Fleming, Inc. P.O. Box 67100 Harrisburg, PA 17106-7100
Permit to Operate Issued	8/3/16

**Permit No. 3480050, Operations Permit.** Public Water Supply.

Applicant	<b>Easton Suburban Water Authority</b> 3700 Hartley Ave. Easton, PA 18045
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[Borough or Township]	City of Easton
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Timothy J. Glessner, PE Gannett Fleming, Inc. P.O. Box 67100 Harrisburg, PA 17106
Permit to Operate Issued	7/28/2016

**Permit No. 2520062, Operations Permit.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Dr. Hershey, PA 17033
[Borough or Township]	Lehman Township
County	<b>Pike</b>
Type of Facility	PWS
Consulting Engineer	Mr. Craig B. Darosh, PE Pennsylvania American Water Co. 4 Wellington Blvd., Suite 2 Wyomissing, PA 19610
Permit to Operate Issued	August 15, 2016

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 6715512,** Public Water Supply.

Applicant	<b>Rutter's Dairy Inc.</b>
Municipality	Manchester Borough
County	<b>York</b>
Responsible Official	Todd M. Rutter, President 2100 N. George St. York, PA 17401
Type of Facility	Bottled Water System at Rutter's Dairy, treatment includes reverse osmosis, granular activated carbon, and a softening system.
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued	8/25/2016

**Permit No. 6715510,** Public Water Supply.

Applicant	<b>The York Water Company</b>
Municipality	Spring Garden Township
County	<b>York</b>
Responsible Official	Mark S. Snyder, Engineering Manager 130 East Market Street PO Box 15089 York, PA 17405-7089



Type of Facility Installation of a new Lacke Redman intake, pumpstation and force main to enable water diversion while Lake Williams is drained and provide a back-up station to the Brillhart Pump Station.

Consulting Engineer Mark S. Snyder, P.E.  
The York Water Company  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Permit to Construct Issued 8/25/2016

**Permit No. 0616507 MA, Minor Amendment, Public Water Supply.**

Applicant **Mt. Penn Borough Municipal Authority**

Municipality Lower Alsace Township

County **Berks**

Responsible Official Teresa Christoff, Business Office Manager  
200 North 25th Street  
Reading, PA 19606

Type of Facility This permit approves refurbishment of the existing 1,000,000-gallon finished water storage tank located on Spook Lane in Lower Alsace Township, Berks County.

Consulting Engineer Bradley D. Smith, P.E.  
ARRO Consulting, Inc.  
50 Berkshire Court  
Wyomissing, PA 19610

Permit to Construct Issued 8/30/2016

**Permit No. 2116501, Public Water Supply.**

Applicant **Newville Borough Water & Sewer Authority**

Municipality Penn Township

County **Cumberland**

Responsible Official Roger Hoover, Authority Chairman  
4 West Street  
Newville, PA 17241

Type of Facility Construction of a new 138,000 gallon finished water storage tank to be located in Penn Township, Cumberland County. The storage tank will be equipped with an active mixer to prevent ice formation and encourage more consistent chlorine residuals and temperatures throughout the tank.

Consulting Engineer David M. Swisher, P.E.  
Herbert, Rowland & Grubic, Inc.  
369 East Park Dri  
Harrisburg, PA 17111

Permit to Construct Issued 8/22/2016

**Operation Permit No. 6715515** issued to: Audubon Park, Inc. (PWS ID No. 7670121), Monaghan Township, York County on 8/5/2016 for facilities approved under Construction Permit No. 6715515.

**Operation Permit No. 6715506 MA** issued to: **The York Water Company** (PWS ID No. 7670100), Spring Garden Township, York County on 8/30/2016 for facilities submitted under Application No. 6715506 MA.

**Operation Permit No. 5016503 MA** issued to: **Mr. Robert Kreiser and Mr. Eugene Wilson** (PWS ID No. 7500037), Liverpool Borough, Perry County on 8/25/2016 for facilities at Arbor Manor Apartments approved under Construction Permit No. 5016503 MA.

**Operation Permit No. 0615502 MA** issued to: **GSP Management Company** (PWS ID No. 3060032), Tilden Township, Berks County on 8/26/2016 for facilities approved under Construction Permit No. 0615502 MA.

**Operation Permit No. 0610541** issued to: **Birdsboro Municipal Authority** (PWS ID No. 3060010), Birdsboro Borough, Berks County on 8/26/2016 for facilities approved under Construction Permit No. 0616503 MA.

**Operation Permit No. 2215510 MA** issued to: **Millersburg Area Authority** (PWS ID No. 7220034), Upper Paxton Township, Dauphin County on 8/15/2016 for facilities approved under Construction Permit No. 2215510 MA.

**Operation Permit No. 0116503** issued to: **New Oxford MHC LLC** (PWS ID No. 7010023), Mt. Pleasant Township, Adams County on 8/18/2016 for facilities at New Oxford Manor MHP approved under Construction Permit No. 0116503.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 5316502-MA—Construction and Operation—Public Water Supply.**

Applicant **Charles Cole Memorial Hospital**

Township/Borough Eulalia Township

County **Potter**

Responsible Official Mr. Melvin Blake  
Charles Cole Memorial Hospital  
1001 East Second Street  
Coudersport, PA 16915

Type of Facility Public Water Supply

Consulting Engineer Andrew Clark, P.E.  
Penn Environmental & Remediation  
13180 Route 6  
Mansfield, PA 16933

Permit Issued August 31, 2016

Description of Action Installation and operation of the new well pumps in the North and South Wells at Charles Cole Memorial Hospital.

**Permit No. 4116502-MA—Operation—Public Water Supply.**

Applicant **Montoursville Borough**

Township/Borough Montoursville Borough

County **Lycoming**

Responsible Official Mr. Ronald Smith  
Street and Water Commissioner  
Montoursville Borough  
617 North Loyalsock Avenue  
Montoursville, PA 17754

Type of Facility Public Water Supply

Consulting Engineer Mr. Chase A. Kelch  
Larson Design Group  
1000 Commerce Park Drive,  
Suite 201  
Williamsport, PA 17701

Permit Issued September 2, 2016

Description of Action Operation of the bulk potable  
water loading station, or bulk  
potable water taking point,  
connected to a watermain from  
the distribution system, located  
near Pool Road.

*Southwest Region: Water Supply Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-  
4745.*

**Permit No. 3016501**, Public Water Supply.

Applicant **Southwestern Pennsylvania  
Water Authority**  
PO Box 187  
1442 Jefferson Road  
Jefferson, PA 15344

[Borough or Township] Cumberland Township

County **Greene**

Type of Facility Rogersville pump station

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Permit to Construct August 23, 2016  
Issued

**Permit No. 3216501**, Public Water Supply.

Applicant **Pennsylvania American  
Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Borough or Township] White Township

County **Indiana**

Type of Facility Two Lick Creek water treatment  
plant improvements

Consulting Engineer Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit to Construct August 31, 2016  
Issued

**Operations Permit** issued to: **Mountain Water Association**, PO Box 527, Fairchance, PA 15436, (PWSID # **5260032**) Georges Township, **Fayette County** on August 23, 2016 for the operation of facilities approved under Construction Permit # 2613513MA.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID # **5260005**) Luzerne Township, **Fayette County** on August 23, 2016 for the operation of facilities approved under Construction Permit # 2615511MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID # **5650032**) Allegheny Township, **Westmoreland County** on August 23, 2016 for the operation of facilities approved under Construction Permit # 6515503.

**Operations Permit** issued to: **Borough of Tarentum**, 318 East 2nd Avenue, Tarentum, PA 15084, (PWSID # **5020055**) Tarentum Borough, **Allegheny County** on August 23, 2016 for the operation of facilities approved under Construction Permit # 0215525MA.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID # **5320007**) Green Township, **Indiana County** on August 23, 2016 for the operation of facilities approved under Construction Permit # 3215514MA.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID # **5320007**) Green Township, **Indiana County** on August 23, 2016 for the operation of facilities approved under Construction Permit # 3215510.

**Operations Permit** issued to: **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963, (PWSID # **4560013**) Paint Township, **Somerset County** on August 23, 2016 for the operation of facilities approved under Construction Permit # 5614509.

**Operations Permit** issued to: **Tri-County Joint Municipal Authority**, 26 Monongahela Avenue, Fredericktown, PA 15333, (PWSID # **5630045**) East Bethlehem Township, **Washington County** on August 26, 2016 for the operation of facilities approved under Construction Permit # 6315513MA.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 366W013-T2-MA4**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township or Borough Coolspring Township

County **Mercer**

Type of Facility Public Water Supply

Consulting Engineer Robert Horvat, P.E.  
KLH Engineers, Inc.  
5173 Campbell Run Road  
Pittsburgh, PA 15205

Permit to Construct August 30, 2016  
Issued

**Operation Permit** issued to **Jerrel R. Culver**, PWSID No. **6250004**, Springfield Township, **Erie County**. Permit Number 2515506 issued September 2, 2016 for the operation of the West Springfield Mobile Home Park water system. This permit is issued in response to an operation inspections conducted by the Department of Environmental Protection personnel on August 9, August 12 and August 17, 2016.

#### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WA-46-67I, Water Allocations. Aqua Pennsylvania, Inc. (PWS ID No. 140073), Montgomery County.** The right to withdraw 16.5 million gallons per day (mgd) from the Perkiomen Creek in Lower Providence Township, Montgomery County. The amount is in addition to the 7.5 mgd granted from the Pennsylvania Water and Power Resources Board by Order of Confirmation on February 15, 1944. The total allocation granted to Aqua Pennsylvania, Inc., from the Perkiomen Creek in Lower Providence Township, Montgomery County, is 24.0 mgd. Permit Issued: 7/27/2016.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Locklin Oil Company, State Route 590 & Cemetery Road, Salem Township, Wayne County.** Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Locklin Oil Company, PO Box 177, Hamlin, PA

18427, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Benzene, Ethylbenzene, Naphthalene, Toluene, 1,3,5-TMB, 1,2,4-TMB, and EDB. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Bethlehem Greenway, rail line south of the Lehigh River, Bethlehem City, Northampton County.** Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A23, Allentown, PA 18106, on behalf of City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018, submitted a Final Report concerning remediation of site soils contaminated with lead, benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site-Specific Standards for soils.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Reidinger Trucking, Inc., Delaware Township, Northumberland County.** Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Reidinger Trucking, Inc., 1229 State Route 487, Paxinos, PA 17860, has submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel constituents. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

**Stella Jones, Inc.—Dubois, Pennsylvania Facility, Sandy Township, Clearfield County.** KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Stella Jones, Inc., 2 Gateway Center, Suite 1000, 603 Stanwix Street, Pittsburgh, PA 15222, has submitted a Combined Remedial Investigation Report and Final Report concerning remediation of site groundwater contaminated with Polycyclic Aromatic Hydrocarbons (PAHS) and Carbazole. The combined report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Rouseville Refinery Plant 1 AST Farm, Buchanan Street, Borough of Rouseville, Venango County.** AECOM Technical Services, Inc, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Pennzoil Quaker State Company, 1160 Rustling Wind Lane, League City, TX 77573, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soils contaminated with 1,2,3-trichloropropane, 1,2,4-trichlorobenzene, 1,2,4-TMB, 1,2-dichloroethane, 1,3,5-TMB, 1,3-butadiene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 2-butanone, 2-hexanone, 4-methyl-2-pentanone, acetone, acetonitrile, acrylonitrile, benzene, bromomethane, carbon disulfide, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethene, cyclohexane, cyclohexanone, dichlorodifluoromethane, ethylbenzene, isopropyl alcohol, isopropylbenzene, m,p-xylene, methyl acetate, methylcyclohexane, methylene chloride, naphthalene, n-butanol, n-butylbenzene, n-propylbenzene, o-xylene, p-isopropyltoluene, sec-butylbenzene, styrene, tert-butylbenzene, tetrachloroethene, tetrahydrofuran, toluene, trans-1,3-dichloropropene, xylenes (total), 1-methylnaphthalene, 2,4-dinitrophenol, 2-methylnaphthalene, 2-methylphenol, 3&4-methylphenol, acenaphthene, acenaphthylene, acetophenone, anthracene, atrazine, benzaldehyde, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, ben-



zoic acid, benzyl butyl phthalate, bis[2-chloroethyl] ether, bis[2-ethylhexyl] phthalate, carbazole, chrysene, dibenzo[a,h]anthracene, dibenzofuran, diethyl phthalate, di-n-butyl phthalate, di-n-octyl phthalate, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, naphthalene, n-nitrosodi-n-propylamine, pentachlorophenol, phenanthrene, phenol, pyrene, arsenic, barium, cadmium, chromium, chromium (hex), chromium (trivalent), lead, mercury, selenium, silver, 1,1,2,2-tetrachloroethane, 1,1,2-trichloroethane, 1,2-dichlorobenzene, 1,3,5-trichlorobenzene, 1,3-dichlorobenzene, 1,3-dichloropropane, acrolein, benzyl chloride, cis-1,3-dichloropropene, dibromochloromethane, iodomethane, 1,2-diphenylhydrazine, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2,4-dichlorophenol, 4-chloroaniline, 4-nitrophenol, biphenyl, dimethyl phthalate, diphenylamine, n-nitrosodiphenylamine, methyl ethyl ketone, 2,2,4-trimethylpentane, 4-ethyltoluene, bromodichloromethane, carbon tetrachloride, ethanol, ethyl acetate, freon-113, heptane, hexachlorobutadiene, hexane, trichlorofluoromethane, 1,2-dichloropropane, benzyl chloride, methyl tert butyl ether, and site groundwater contaminated with 1,2,4-TMB, 1,3,5-TMB, 1,3-butadiene, acetone, acrylonitrile, benzene, carbon disulfide, chlorobenzene, cyclohexane, ethylbenzene, isopropyl alcohol, isopropylbenzene, m,p-xylene, naphthalene, n-butylbenzene, n-propylbenzene, o-xylene, sec-butylbenzene, tert-butylbenzene, tetrachloroethene, toluene, xylenes (total), 1,3-dichlorobenzene, 2,4-dimethylphenol, 1-methylnaphthalene, 2-methylnaphthalene, acenaphthene, acenaphthylene, acetophenone, bis[2-ethylhexyl]phthalate, fluorene, naphthalene, phenanthrene, phenol, arsenic, barium, lead, chromium, chromium (hexavalent). The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**BWXT Parks Township Site (former Babcock & Wilcox Parks Township facility, NUMEC), 2992 River Road, Parks Township, Armstrong County.** RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 on behalf of BWTX Government Group, Inc., 2016 Mount Athos Road, Lynchburg, VA 24501 has submitted a Final Report concerning the remediation of site soil contaminated with trichloroethylene & polychlorinated biphenyls and groundwater contaminated with cis-1,2-dichloroethene & trichloroethene. The report is intended to document remediation of the site to meet the Site Specific standard. Notice of the Final Report was published in the *Tribune-Review* on August 3, 2016.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to charac-

terize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Hershey 19 East Facility—The Hershey Company,** 19 East Chocolate Avenue, Hershey, PA 17033, Derry Township, **Dauphin County.** Langan Engineering and Environmental Services, P.O. Box 1569, Doylestown, PA 18901, on behalf of The Hershey Company, 100 Crystal A Drive, Hershey, PA 17033, and Chocolate Realty DST, 10 Tara Boulevard, Suite 130, Nashua, NH 03062 submitted a Final Report concerning remediation of site soils contaminated with Inorganics, VOCs and SVOCs. The Final Report was administratively incomplete and was disapproved by the Department on August 31, 2016.

**Safety-Kleen New Kingstown Service Center,** 10 Eleanor Drive, New Kingstown, PA 17072, Silver Spring Township, **Cumberland County.** CB&I Environmental & Infrastructure, Inc., 13 British American Boulevard, Latham, NY 12110, on behalf of Safety-Kleen Systems, Inc., 4120 Thunderbird Lane, Fairfield, OH 45014, submitted a Final Report concerning remediation of site groundwater contaminated with VOCs. The Final Report was administratively incomplete and was disapproved by the Department on August 31, 2016.

**Amos Fry Residence,** 645 West Main Street, Ephrata, PA 17522, Ephrata Borough, **Lancaster County.** Reli-



ance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17522, on behalf of Amos Fry, 645 West Main Street, Ephrata, PA 17522, submitted a Final Report/Remedial Investigation Report to remediate site soils contaminated with No. 2 fuel oil. The combined Report did not demonstrate attainment of the Residential Statewide Health and Site Specific Standards, and was disapproved by the Department on September 1, 2016.

**Turkey Hill # 76 Minit Mart**, 2101 New Danville Pike, Lancaster, PA 17603, Pequea Township, **Lancaster County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Keystone Petroleum Equipment, Ltd, 981 Trindle Road West, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 2, 2016.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former SemMaterials L.P. Facility**, 4th and Duke Street, Point Township, **Northumberland County**. ARCADIS U.S. Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940, on behalf of Koch Materials, LLC, 4111 East 37th Street North, Wichita, Kansas 67720, submitted a combination Remedial Investigation Report, Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with PCBs and other Organic Compounds. The report is intended to document conditions at the site and remedial activities necessary to meet a combination of Statewide Health and Site-Specific Standards. The combination report was approved by the Department on June 9, 2016.

**Renovo Rail Industries, LLC**, Renovo Rail Yard, Renovo Borough, **Clinton County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Suite 110, Allison Park, PA 15101 on behalf of Renovo Rail Industries LLC, 504 Erie Avenue, Renovo, PA 17764, submitted a Combination Remedial Investigation Report and Risk Assessment Report concerning remediation of groundwater and soil contaminated with VOCs, SVOCs, and heavy metals. The report is intended to document conditions at the site and remedial activities necessary to meet a combination of Site-Specific Standards. The combination report was approved by the Department on July 5, 2016.

*Southwest Region: Environmental Cleanup & Brown-field Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**2939 & 2959 Fitzsimmons Lane**, Municipality of Murrysburg, **Westmoreland County**. Bruce E. Dice & Associates, P.C., 787 Pine Valley Drive, Suite E, Pittsburgh, PA 15239 on behalf of Ronald D. Anderson, Jr. 5901 Bollinger Road, Export, PA 15632 submitted a Final Report concerning site soils contaminated with # 2 home heating oil from a ruptured underground storage tank. The Final Report did not demonstrate attainment of the Statewide Health standard and was disapproved by the Department on August 23, 2016.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

#### Hazardous Waste Transporter License Issued

**Tri-County Industries, Inc.**, 159 TCI Park Drive, Grove City, PA 16127. License No. PA-AH 0820. Effective Aug 25, 2016.

#### Hazardous Waste Transporter License Reissued

**Eldredge, Inc.**, 898 Fern Hill Road, West Chester, PA 19380. License No. PA-AH 0056. Effective Aug 25, 2016.

**Terra First, LLC**, PO Box 1617, Vernon, AL 35592. License No. PA-AH 0803. Effective Aug 24, 2016.

**Cemco-Custom Environmental Management Co., Inc.**, PO Box 212, Hainesport, NJ 08036. License No. PA-AH 0776. Effective Sep 01, 2016.

**Op-Tech Environmental Services, Inc. dba NRC Environmental Services**, 6392 Deere Road, Syracuse, NY 13206. License No. PA-AH 0599. Effective Sep 02, 2016.

#### Renewal Applications Received

**Disttech, LLC dba Disttech**, 4366 Mt Pleasant Street NW, North Canton, OH 44720. License No. PA-AH 0799. Effective Aug 24, 2016.

**Heritage-Crystal Clean, LLC**, 2175 Point Boulevard, Elgin, IL 60123. License No. PA-AH 0672. Effective Aug 24, 2016.

**Terra First, LLC**, PO Box 1617, Vernon, AL 35592. License No. PA-AH 0803. Effective Aug 24, 2016.

**Op-Tech Environmental Services, Inc.**, 1 Adler Drive, East Syracuse, NY 13057. License No. PA-AH 0599. Effective Sep 01, 2016.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste**

*Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM027SC003B. AJ Stove & Pellet, LLC**, 8642 Molly Pitcher Highway, Greencastle, PA 17225-9271. The Southcentral Regional Office has issued a Determination of Applicability under Municipal Waste General Permit No. WMGM027 for the processing by grinding, shredding, screening, and blending of the various organic wastes for beneficial use as an alternate fuel material. This permit was issued on August 30, 2016.

Persons interested in reviewing the general permit may contact John Oren, Permitting Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Application No. 300870 Buck Company, Inc.** 897 Lancaster Pike Quarryville, PA 17566-9783. An application for a permit renewal was submitted by Buck Company, Inc. for their residual waste landfill located in East Providence Township, **Lancaster County**. The permit expires on August 28, 2017. The application was deemed administratively complete by the Southcentral Regional Office on August 30, 2016.

The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the time that the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**Permit No. 101509 New Morgan Landfill Company, Inc.** 420 Quarry Road Morgantown, PA 19543. An application for a permit renewal was submitted by New Morgan Landfill Company, Inc. for Conestoga Landfill located in New Morgan Borough, **Berks County**. The permit expires on September 1, 2017. The application was deemed administratively complete by the Southcentral Regional Office on August 31, 2016.

The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the time that the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP3-46-0139: Highway Materials Inc.** (1750 Walton Road, Bluebell, PA 19422) On August 25, 2016 for the use and operations of a portable crusher located in Whitmarsh Township, **Montgomery County**.

**GP9-46-0091: Highway Materials Inc.** (1750 Walton Road, Bluebell, PA 19422) On August 25, 2016 for the installation and operation of two (2) diesel fuel fired internal combustion engines located in Whitmarsh Township, **Montgomery County**.

**GP9-15-0028: Longwood Gardens Inc.** (P.O. Box 501, Kennett Square, PA 19348-0501) On August 29, 2016 for a diesel fuel-fired standby emergency generators located in East Marlborough Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP1-54-005: Papetti's Hygrade Egg Products Inc.** (68 Spain Road, Klingerstown, PA 17941) on August 9, 2016, for the operation of natural gas/# 2 oil fired boilers at facility located in Upper Mahantongo Township, **Schuylkill County**.

**GP3-58-032: F.S. Lopke Contracting Incorporated** (3430 State Route 434, Apalachin, NY 13732) on August 30, 2016, for the installation and operation of a portable stone crushing plant at the facility located in Harford Township, **Susquehanna County**.

**GP9-58-045: F.S. Lopke Contracting Incorporated** (3430 State Route 434, Apalachin, NY 13732) on August 30, 2016, for the installation and operation of I C Engines at the facility located in Harford Township, **Susquehanna County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161.*

**GP3-56-00310B: PBS Coal, Inc.** (P.O. Box 260, Friedens, PA 15541) on August 31, 2016, for the construction and operation of a 200 ton per hour portable nonmetallic mineral processing plant at the Blue Lick No. 4 Surface Mine in Brothersvalley Township, **Somerset County**.

**GP9-56-00310B: PBS Coal, Inc.** (P.O. Box 260, Friedens, PA 15541) on August 31, 2016, for the construction and operation of five (5) diesel-fired engines to power a 200 ton per hour portable nonmetallic mineral processing plant at the Blue Lick No. 4 Surface Mine in Brothersvalley Township, **Somerset County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940.*

**GP5-37-336E: Hilcorp Energy Co. Pulaski Whiting Central Facility** (1111 Travis St., Houston, TX 77002) on September 1, 2016, for the authority to construct and/or operate a natural gas fired compressor engine (BAQ-GPA/GP5) located at their facility in Pulaski Township, **Lawrence County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**15-0013C: Infiana USA, Inc.**, (2400 Continental Blvd, Malvern, PA 19355-2326) On September 1, 2016 for the installation of a heat set flexographic press and a Regen-



erative Thermal Oxidizer (RTO) at their existing facility in Tredyffrin Township, **Chester County**.

**09-0142D: ML 35, LLC** (35 Runway Road, Levittown, PA 19057) On September 2, 2016 for modifying eleven (11) existing engines located at its data center in Bristol Township, **Bucks County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**45-00005B: Sanofi Pasteur Inc.** (Discovery Drive, Swiftwater, PA 18370-0187) issued on August 10, 2016 for the installation and operation of influenza vaccine manufacturing equipment with seven (7) egg dehydrators at the existing facility located in Pocono Twp., **Monroe County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**08-00009A: Tennessee Gas Pipeline Company LLC** (1001 Louisiana Street, PO Box 2511, Houston, TX 77252-2511) on August 29, 2016, the Department of Environmental Protection issued plan approval for the construction of the natural gas-fired combustion turbine which is coupled to a compressor, as well as the ancillary equipment for operation of the source. The source will be located at their Compressor Station 317 in Troy Township, **Bradford County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161.*

**11-00536A: CPV Fairview, LLC** (50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184) plan approval effective on September 2, 2016, for construction and temporary operation of a 1,020 MW (nominal) combined-cycle electric generating station known as the CPV Fairview Energy Center to be located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05107E: Pepperidge Farm, Inc.** (2195 N. Reading Road, Denver, PA 17517-9112) on August 30, 2016, to install a bread line controlled by a catalytic oxidizer at the Pepperidge Farm, Inc. bakery located in East Cocalico Township, **Lancaster County**. The plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328.*

**33-002E: Owens-Brockway Glass Container, Inc.—Crenshaw Plant # 19** (3831 Route 219 North, Brockport, PA 15823) on August 19, 2016 effective August 31, 2016, has issued a plan approval extension for the modification of Furnace C, due to the age of the furnace and its general condition, to reduce NO<sub>x</sub> emissions in Snyder Township, **Jefferson County** until February 28, 2017. This is a Title V facility.

**43-270I: CCL Container Corporation** (1 Llodio Drive, Hermitage, PA 16148) on August 29, 2016, effective August 31, 2016, for the plan approval extension for the installation of four (4) can manufacturing lines, three (3) inside liner baghouses and a regenerative thermal oxidizer (RTO). The facility manufactures aluminum cans used for packaging various consumer products until February 28, 2017. This facility is located in the City of Hermitage, **Mercer County**.

**43-356C: Hermitage Municipal Authority** (800 North Hermitage Road, Hermitage, PA 16148-3220) on August 26, 2016, effective August 31, 2016, has issued a plan approval extension for the modification of Source 101 (Combined Heat and Power Unit), last permitted in Plan Approval 43-356B, until February 28, 2017. The facility will use natural gas as a supplemental fuel for Source 101. This equipment is located at the Bobby Run Water Pollution Control Plant in the City of Hermitage, **Mercer County**.

**43-363A: Pennex Aluminum Company** (93 Werner Road, Greenville, PA 16125-9499) on August 25, 2016, has issued a plan approval extension for the operation of two (2) melting furnaces, a hold furnace, two (2) homogenizing furnaces, and three (3) billet saws until February 28, 2017. This facility will be located in Sugar Grove Township, **Mercer County**.

**43-363B: Pennex Aluminum Company** (93 Werner Road, Greenville, PA 16125-9499) on August 23, 2016, effective August 31, 2016, will issue a plan approval extension for the reclassification of source 103 (# 1 Melting Furnace, 20 MMBtus/hr, Group 2) from a Group 2 furnace to a Group 1 furnace in accordance with 40 CFR Part 63, Subpart RRRR until March 31, 2017. This facility will be located in Sugar Grove Township, **Mercer County**.

**61-147A: Polk Center** (PO Box 94, Polk, PA 16342) on August 25, 2016, effective August 31, 2016, will issue a plan approval extension for the construction and operation of an additional 28 mmBtus/hr natural gas and No. 2 fuel oil fired boiler (Cleaver Brooks, Model: CB-LE-700-250ST) at their Polk Center facility in Polk Borough, **Venango County**, until February 28, 2017.

**62-185A: Berenfield Containers Inc.** (304 Main Avenue, Warren, PA 16365) on August 16, 2016, will issue a plan approval extension for the construction of a metal container manufacturing facility until February 28, 2017. The inside liner coating and exterior paint will be applied using high volume, low pressure (HVL) spray guns in spray booths. Emissions from spray booths will be controlled by fiber filter pads. A recuperative thermal oxidizer (RTO) will be used to control VOC emissions from the curing process. This facility will be located in the City of Warren, **Warren County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

**23-00004: Covanta Delaware Valley, LP** (10 Highland Avenue, Chester, PA 19013) On September 2, 2016, for renewal of the Title V Operating Permit for their municipal waste combustion facility located in the City of Chester, **Delaware County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.

**39-00055: B. Braun Medical, Inc.** (901 Marcon Blvd., Allentown, PA 18109-9512) The Department issued a renewal Title V Operating Permit on August 31, 2016, for a surgical and medical instrument manufacturer in Hanover Township, **Lehigh County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

**17-00005: Glen Gery Corporation** (PO Box 388, State Route 970, Bigler, PA 16825-0338) on September 1, 2016 issued a Title V operating permit for their facility located in Bradford Township, **Clearfield County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940.

**10-00001: AK Steel Corporation** (PO Box 832, Butler, PA 16003-0832) on August 26, 2016 issued an administrative amendment to the Title V Operating Permit for the facility located in Butler Township, **Butler County**. The amendment incorporates the requirements of plan approval 10-0010.

**43-00196: GE Transportation** (1503 West Main Street Extension, Grove City, PA 16127) on August 2, 2016, the Department renewed the Title V Operating Permit for the Grove City Engine Plant located in Pine Township, **Mercer County**. This facility is a Title V facility which is major for their potential to emit NO<sub>x</sub> and VOC. Actual 2015 Emissions were as follows: 32.77 tons VOC; 134.88 tons NO<sub>x</sub>; 30.67 tons CO; 0.13 ton SO<sub>x</sub>; 5.83 tons PM<sub>10</sub>; 5.64 tons PM<sub>2.5</sub>; 0.07 ton all HAPs combined. The sources at the facility include 6 diesel engine test cells, 2 natural gas fueled emergency generators, 1 diesel fueled emergency fire pump engine, a 13.4 million Btu/hr natural gas fueled boiler, a 26.8 million Btu/hr natural gas fueled boiler, paint booths, metal parts cleaning operations, and several natural gas fueled heaters for building heat and process use. This facility is subject to 40 CFR Part 82 Subpart B, pertaining to servicing of motor vehicle air conditioners, and Subpart F, pertaining to Recycling and Emission Reductions. The emergency engines are subject to 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The conditions from Plan Approval 43-196D are incorporated into the permit at this renewal. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

**46-00228: PR Plymouth Meeting, L.P.** (500 Germantown Pike, Suite 150, Plymouth Meeting, PA 19462) On August 24, 2016, a renewal to operating permit for the continued operation of a retail shopping mall in Plymouth Township, **Montgomery County**.

**46-00127: Verizon Pennsylvania, Inc.—Fort Washington** (1050 Virginia Drive, Fort Washington, PA 19034) On August 25, 2016 for a renewal of State Only (Synthetic Minor) Operating Permit for their facility located in Upper Dublin Township, **Montgomery County**.

**46-00128: Verizon Pennsylvania, Inc.—Jenkintown** (100 Greenwood Avenue, Jenkintown, PA 19046) On August 25, 2016 for a renewal of State Only (Synthetic Minor) Operating Permit for their facility located in Jenkintown Borough, **Montgomery County**.

**46-0282: Titan International, Inc.** (700 Queen Street, Pottstown, PA 19464) On August 25, 2016 for the initial issuance of a State Only Operating Permit for their facility located in Pottstown Borough, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.

**48-00058: Effort Foundry Inc.** (PO Box 158, Bath, PA 18014-0158) issued on 8/3/16, for operation of a foundry operation in East Allen Township, **Northampton County**. The sources include charge handling, four (4) electric inductions furnaces, moulding and coremaking, pouring, casting cooling, paints, foundry chemicals, sand shakeout, three (3) storage tanks, a cooler, thermal reclaim, four (4) burning stations, and an emergency pump. The plants emissions are controlled by a series of baghouses. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**48-00068: Pennsylvania Perlite Corp.** (1428 Mauch Chunk Road, Bethlehem, PA 18018) issued on 8/30/16, for operation of a perlite manufacturing operation in Bethlehem City, **Northampton County**. The source includes one (1) vertical kiln. The kiln emissions are controlled by a baghouse. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

**22-03018: Millersburg Area School District** (799 Center Street, Millersburg, PA 17061) on August 30, 2016, for the coal-fired boiler at the Lenkerville Elementary



School located in Upper Paxton Township, **Dauphin County**. The State-only permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**10-00319: Main Steel LLC**, (2200 Pratt Blvd, Elk Grove Village, IL 60001). On July 26, 2016, the Department renewed a State Only Operating Permit for the Main Steel Polishing Plant located in the Borough of Harmony, **Butler County**. The facility is a Natural Minor. Potential Emissions are as follows: 1.214 tpy VOC; 3.854 tpy NO<sub>x</sub>; 0.771 tpy CO; 0.023 tpy SO<sub>x</sub>; 2.915 tpy PM<sub>10</sub>; 2.915 tpy PM<sub>2.5</sub>. The sources at the facility include 4 natural gas fueled furnaces used for building heat with a combined total rating of 100,000 Btus/hr; grinding operations; and a parts degreaser. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**24-00135: National Fuel Gas Supply Corp.—Island Run Compressor Station** (6363 Main Street, Williamsville, NY 14221) on August 26, 2016, the Department issued a Synthetic Minor Permit to operate a natural gas compressor station in Ridgeway Township, **Elk County**. The sources at the facility include 4 natural gas compressor engines, an emergency generator engine, two TEG dehydration units, miscellaneous space heaters and miscellaneous process heaters. The engines are subject to the work practice standards in 40 CFR 63 Subpart ZZZZ pertaining to NESHAPs for Stationary Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The combined total hours of operation, for Source IDs: 1032, 1033, and 1034, shall be no more than 17,250 hours per year. The potential emissions from the facility after taking limitations are: 48.77 TPY VOC; 96.67 TPY NO<sub>x</sub>; 36.69 TPY CO; 0.41 TPY Formaldehyde; 5.23 TPY total HAPs; 0.02 TPY SO<sub>x</sub>; 0.43 TPY PM<sub>10</sub> and PM<sub>2.5</sub>; and 5,953 TPY GHGs (CO<sub>2e</sub>).

**25-00943: E. E. Austin & Son, Inc.**, (1919 Reed Street, Erie PA 16503) on August 12, 2016, the Department renewed a State Only Operating Permit for E. E. Austin & Son's Batch Concrete Plant located on Port Access Road in the City of Erie, **Erie County**. The facility is a Natural Minor. The only criteria pollutant emitted in a quantity above 1 tpy is PM<sub>10</sub>. Potential PM<sub>10</sub> emissions are 66.05 tons per year. Actual 2014 emissions of PM<sub>10</sub> were 0.024 ton. The sources at the facility include a batch concrete mixer, storage silos, and a 1,250,000 Btu/hr oil-fueled boiler, and a 280,000 Btu/hr oil-fueled heater for building heat. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**42-00175: Federal Correctional Institution, McKean**, (PO Box 5000, Bradford, PA 16701) on August 9, 2016, the Department renewed a State Only Operating Permit for the operation of boilers and emergency generators at the facility located in Lafayette Township, **McKean County**. The facility is a Synthetic Minor; they have taken a Federally enforceable limit of 950 operating hours per year for the emergency generators in order to assure emissions remain below the major source thresh-

olds. Potential Emissions are as follows: 3.93 tpy PM; 54.90 tpy NO<sub>x</sub>; 3.20 tpy SO<sub>x</sub>; 16.33 tpy CO; and 0.40 tpy VOC. The sources at the facility include 3 natural gas fueled boilers, all used for building heat, each rated at 16.8 million Btus/hr and 2 diesel-fueled emergency generators, each rated at 1,135 hp and a 105 hp diesel-fueled fire pump. The boilers are capable of being operated on # 2 fuel oil as a back-up fuel source and are subject to an operating restriction that allows only 1 boiler to be operated at a time. The boilers are subject to 40 CFR Part 60 Subpart Dc, the Standards of Performance for Small Industrial, Commercial, Institutional Steam Generating Units. The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**42-00182: Allegheny Store Fixtures, Inc.**, (57 Holley Avenue, Bradford, PA 16701) on August 4, 2016, the Department renewed a State Only Operating Permit for Allegheny Store Fixtures, Inc., surface coating operations in the City of Bradford, **McKean County**. The facility is a Natural Minor. The only criteria pollutant emitted in a quantity above 1 tpy is VOCs. Potential VOC emissions are 24.3 tons per year. Actual 2015 emissions of VOC were less than 3 tons. The sources at the facility include 3 paint booths and spray application of adhesives. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00359: GE Transportation**, (660 Barkeyville Road, Grove City, PA 16127). On August 16, 2016, the Department issued a new State Only Operating Permit for GE's engine re-build facility located in Pine Township, **Mercer County**. This facility is a Natural Minor. Potential emissions are as follows: 18.8 tpy VOC; 7.8 tpy NO<sub>x</sub>; 9.3 tpy CO; 0.05 tpy SO<sub>x</sub>; 1.35 tpy PM<sub>10</sub>; 2.05 tpy all HAPs combined and 9,324 tpy CO<sub>2e</sub>. The sources at the facility include a surface coating booth, a natural gas fueled emergency generator, miscellaneous solvent use for cleaning, sealing, coating, and lubrication of parts, and several natural gas fueled heaters for building heat and process use. The emergency engine is subject to 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The conditions from Plan Approval 43-359A are incorporated into the permit. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**61-00187: SMS Technical Services, LLC** (671 Colbert Avenue, Oil City, PA 16301-2288) on August 16, 2016 for renewal of the Natural Minor Permit to operate an electroplating and polishing, facility in Oil City, **Venango County**. The emitting sources include copper electroplating dip tanks, nickel electroplating stations, a HVOF powder coat system, multiple space heaters, a paint booth, degreasers (6 units), plastic powder coat oven, and, polishing booths (2 units). The Nickel electroplating stations, HVOF Powder Coat System and, Polishing Booths (2 Units) are subject to 40 CFR Part 63, Subpart WWWWWW (6W) pertaining to NESHAPs Area Source Standards for Plating and Polishing Operations. The applicable conditions of Subpart 6W are included in the permit. The application provided by the facility included

emission calculations for the pollutants at the facility. The emissions are summarized as follows: Copper—0.43 lb/yr; Copper Sulfate Pentahydrate—9.27 lbs/yr; Sulfuric Acid—0.093 lb/yr; Volatile Organic Compound—1.77 TPY; Nickel—9.55 lbs/yr; Nickel Sulfamate—45.18 lbs/yr; and, combustion emissions of natural gas less than 0.1 TPY for each of the criteria pollutants.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**23-00052: Prospect CCMC, LLC** (1 Medical Center Boulevard, Chester, PA 19013) On September 1, 2016, for a change of ownership from Crozer Chester Medical Center (Federal tax ID 23-1637191) to Prospect CCMC, LLC (Federal tax ID of 81-1507712) and a change in contact information for their facility located in Upland Borough, **Delaware County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

*Coal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 56090113 and NPDES No. PA0262935. PBS Coals, Inc.,** P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, renewal for the continued operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County** affecting 204.9 acres. Receiving stream: Schrock Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 17, 2015. Permit Issued: August 29, 2016.

**Permit No. 11910101. E.P. Bender Coal Co., Inc.,** P.O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 88.0 acres. Receiving streams: unnamed tributary to/and Powell Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10

miles downstream. Application received: June 20, 2016. Permit issued: August 30, 2016.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**16110101. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) Renewal of an existing bituminous surface and auger mine in Porter Township, **Clarion County**, affecting 114.5 acres. Receiving streams: Three unnamed tributaries to Leisure Run and Leisure Run, two unnamed tributaries to Jacks Run and Long Run. This renewal is issued for reclamation only. Application received: June 27, 2016. Permit Issued: August 30, 2016.

**10110105. K & A Mining** (P.O. Box 288, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Cherry Township, **Butler County**, affecting 25.8 acres. Receiving streams: South Branch Slippery Rock Creek. This renewal is issued for reclamation only. Application received: July 14, 2016. Permit Issued: August 31, 2016.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**SMP 17070112 and NPDES PA025661. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Revision to an existing bituminous surface and auger mine to change the post-mining land use from forestland to pastureland located in Bell and Gaskill Townships, **Iearfield and Jefferson Counties** affecting 295.0 acres. Receiving stream(s): Unnamed Tributaries to Bear Run and Unnamed Tributaries to Whiskey Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 27, 2016. Permit issued: August 24, 2016.

*Noncoal Permits Issued*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**10010310. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of existing NPDES Permit No. PA0241962 in Mercer & Pine Townships, **Butler & Mercer Counties**. Receiving streams: Unnamed tributaries to Swamp Run. Application received: May 31, 2016. Permit Issued: August 29, 2016.

**10020306. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of existing NPDES Permit No. PA0242250 in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received: May 31, 2016. Permit Issued: August 29, 2016.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**1474301 and NPDES PA0220248. Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823). NPDES renewal for continued operation and reclamation of a large noncoal surface mine site located in Spring Township, **Centre County** affecting 1,110.3 acres. Receiving stream(s): Logan Branch. Application received: December 24, 2015. Permit issued: August 29, 2016.

**SMP 6075SM3 and NPDES PA0069744. New Enterprise Stone & Lime Company, Inc. dba Eastern Industries** (3724 Crescent Court West, Suite 200, Whitehall, PA 18052). Permit revision to add reclamation fill to a large noncoal mining permit located in Union Township, **Union County** affecting 414.7 acres. Receiving stream(s): Unnamed Tributary to Winfield Creek classified for the



following use(s): WWF. Application received: March 7, 2016. Permit issued: August 29, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 58160811. Mitchell A. Conklin**, (3484 SR 848, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Nine Partners Creek Watershed, classified for the following uses: cold water and migratory fishes. Application received: July 1, 2016. Permit issued: August 31, 2016.

**Permit No. PAM116028. Mitchell A. Conklin**, (3484 SR 848, New Milford, PA 18834), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58160811 in New Milford Township, **Susquehanna County**, receiving stream: unnamed tributary to Nine Partners Creek Watershed. Application received: July 1, 2016. Permit issued: August 31, 2016.

**Permit No. 06970301C9 and NPDES Permit No. PA0223794. The H & K Group, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Robeson and Union Townships, **Berks County** affecting 289.6 acres, receiving stream: tributaries to Hay Creek. Application received: September 3, 2013. Renewal issued: August 31, 2016.

**Permit No. 06970301C12. The H & K Group, Inc.**, (PO Box 196, Skippack, PA 19474), correction to an existing quarry operation for the operation of a wash plant and dewatering plant in Robeson and Union Townships, **Berks County** affecting 289.6 acres, receiving stream: tributaries to Hay Creek. Application received: April 11, 2016. Correction issued: August 31, 2016.

**Permit No. 58162502. Angelo DiBiase**, (4773 Lower Rhiney Creek Road, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 10.0 acres, receiving stream: Rhiney Creek Watershed. Application received: December 28, 2015. Permit issued: September 1, 2016.

**Permit No. PAM116032. Angelo DiBiase**, (4773 Lower Rhiney Creek Road, Hallstead, PA 18822), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58162502 in Liberty Township, **Susquehanna County**, receiving stream: Rhiney Creek Watershed. Application received: December 28, 2015. Permit issued: September 1, 2016.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**42164101. Brubacher Excavating, Inc.** (P.O. Box 528, Bowmansville, PA 17507-0528). Blasting activity permit for a well pad in Sergeant and Jones Townships,

**McKean and Elk Counties**. This blasting activity permit will expire on August 23, 2017. Permit Issued: August 30, 2016.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**60164103. Midstream Explosives LLC** (289 Southside Drive, Newville, PA 17241). Blasting for pipeline located in Union Township, **Union County** with an expiration date of August 23, 2017. Permit issued: August 25, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 09164111. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Estates at Julius Farms in New Britain Township, **Bucks County** with an expiration date of August 12, 2017. Permit issued: August 30, 2016.

**Permit No. 15164107. Brubacher Excavating, Inc.**, (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Applecross Country Club in East Brandywine Township, **Chester County** with an expiration date of August 16, 2017. Permit issued: August 30, 2016.

**Permit No. 39164103. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for West Hills Business Center Area 2 in Weisenberg Township, **Lehigh County** with an expiration date of August 17, 2017. Permit issued: August 30, 2016.

**Permit No. 45164108. Silver Valley Drilling & Blasting, Inc.**, (PO Box 506, Saylorsburg, PA 18353), construction blasting for Mt. View Vineyards in Hamilton Township, **Monroe County** with an expiration date of December 30, 2016. Permit issued: August 30, 2016.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in

and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E39-543. Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032. Catasauqua Borough, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments within the Lehigh Canal (TSF, MF): 1) A stormwater outfall consisting of a 24-inch

diameter reinforced concrete pipe, concrete endwall, and R-5 riprap apron; and 2) A stormwater outfall consisting of a 36-inch diameter reinforced concrete pipe, concrete endwall, and R-6 riprap apron. The purpose of the project is to provide a stormwater discharge from a proposed municipal building. The project is located approximately 600 feet southwest of the intersection of Pine Street and Front Street (Catasauqua, PA Quadrangle Latitude: 40°39'4.7"; Longitude: -75°28'37.7"). Subbasin: 2C.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E41-672. Verizon Pennsylvania, LLC**, 1717 Arch Street, Philadelphia, PA 19103. Pine Creek Aerial Communications Cable Crossing over Pine Creek in McHenry Township, **Lycoming County**, ACOE Baltimore District (Cammal, PA Quadrangle Lat: 41° 22' 48"; Long: -77° 26' 24").

To construct, operate and maintain a new aerial communications cable crossing of Pine Creek to provide communications service to Minerville Hunting and Fishing Camp. An existing at-grade ford crossing of Pine Creek will be used to access the west side of the creek. Proposed stream crossing is over Pine Creek along State Route 414 in McHenry Township, Lycoming County. The work involves the replacement of an existing outdated communications cable and the installation of approximately a 754-foot long aerial communication line. The project will not cause any earth disturbance or excavation/fill in any watercourse or wetland.

The project proposes to have the following impacts:

<i>ID</i>	<i>Stream Name</i>	<i>Chapter 93 Classification</i>	<i>Temporary Impact area Length (LF)</i>	<i>Permanent Impact area Length (LF)</i>	<i>Latitude</i>	<i>Longitude</i>
Aerial Crossing West Channel	Pine Creek	HQ-CWF; EV		169	41° 22' 48"	77° 26' 32"
Aerial Crossing East Channel	Pine Creek	HQ-CWF; EV		231	41° 22' 48"	77° 26' 27"
Temp. Crossing West Channel	Pine Creek	HQ-CWF; EV	1,515		41° 22' 50"	77° 26' 32"
Temp. Crossing East Channel	Pine Creek	HQ-CWF; EV	10,290		41° 22' 44"	77° 26' 26"

The total estimated permanent stream disturbance for the project is approximately 400 lineal feet. The total estimated temporary stream disturbance for the project is approximately 586 lineal feet.

The proposed crossings will not permanently impact cultural or archaeological resources, wetlands, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Pine Creek is classified with a designated use of High Quality—Cold Water Fishery (HQ-CWF) and with an existing use of Exceptional Value (EV).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E17-495. Pennsylvania Department of Conservation and Natural Resources—Bureau of Facility Design and Construction**, PO Box 8451, Harrisburg, PA 17105-8451. Unnamed Tributary to Medix Run Channel Realignment, Medix Grade Road Culvert Relocation,

and Wilson Switchback Road Culvert Replacement, Goshen Township, **Clearfield County**. USACOE Baltimore District (The Knobs, PA Quadrangle Latitude: 41° 12' 47"; Longitude: 78° 22' 28").

The applicant is seeking authorization to (1) change an unnamed tributary to Medix Run channel, (2) install, operate and maintain in-stream structures for grade control and aquatic habitat, (3) relocate, operate and maintain a box culvert to carry Medix Grade Road across the realigned unnamed tributary, and (4) replace, operate and maintain an existing culvert that carries Wilson Switchback Road across an unnamed tributary to Medix Run. The channel change of the unnamed tributary shall be limited to maximum 65-linear feet that shall result in successful establishment of a stable realigned channel and overbank areas. Installation of in-stream grade control and habitat structures shall be limited to the 65-feet of realigned channel. The relocated box culvert to carry Medix Grade Road across the unnamed tributary to Medix Run shall be constructed as a precast concrete box



culvert minimally having a span of 17-feet, rise of 3-feet and length 92.5-feet with invert depression of 1-foot. The replacement box culvert to carry Wilson Switchback Road across the unnamed tributary to Medix Run shall be constructed as pre-cast concrete box culvert minimally having a span of 11-feet, rise of 4-feet and length 28.5-feet with invert depression of 1-foot. The project is located within the Moshannon State Forest at the intersection Medix Grade and Wilson Switchback Roads. All in-stream activities authorized by this permit shall be completed in dry work conditions by dam and pumping, fluming or diverting stream flow around the work area. The Department has deemed the 0.04-acre of permanent wetland impacts as de minus, for which the applicant shall not be required to mitigate. The Department has deemed the 65-feet of permanent stream impact as incidental for the box culvert relocation that shall not require mitigation, provided however a stable realigned channel and overbank areas are successfully achieved.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1717, The Barn Landscape Supply, 3004 Babcock Blvd., Pittsburgh, PA 15237, Ross Township, Allegheny County, Pittsburgh ACOE District.**

Has been given consent to:

Construct and maintain a bridge 12.0 feet in length having a span of 30.0 feet with a minimum underclearance of 6.25 feet across the channel of Girty's Run (WWF) for the purpose of providing access to owners landscaping business, and to construct and maintain two (2) outfall structures on the right bank of said stream, consisting of a 12.0-inch diameter smooth lined corrugated plastic pipe with a 12.0-foot × 8.0 foot R-6 rip-rap apron and an outfall channel with an 11.0 foot × 9.0 foot R-4 rip rap apron. The project is located approximately 5,200.0 feet southwest from the intersection of McKnight Road and Babcock Boulevard (Glenshaw, PA Quadrangle; Latitude: 40° 30' 50"; Longitude: -80° 00' 21") in Ross Township, Allegheny County, and will permanently impact approximately 35.0 linear feet of Girty's Run (WWF) and its associated floodway. E04-353, PennDOT District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, New Sewickley Township and Conway Borough, Beaver County, Pittsburgh ACOE District.

Has been given consent to:

1. Remove the existing T-575 Crows Run Road 66.3' long 36" diameter pipe culvert conveying a UNT to Crows Run (WWF) with a drainage area less than 100 acres; construct and maintain a 57.8' long 24" diameter replacement culvert in the same location; place and maintain fill in 155' of this same UNT;

2. Place and maintain fill in 4,869' of Crows Run (WWF) with a drainage area of 13.62 square miles; construct and maintain a relocated replacement 4,405' long channel;

3. Place and maintain fill in 13' of a second UNT to Crows Run (WWF) with a drainage area less than 100 acres to accommodate the relocation of Crows Run;

4. Place and maintain fill in a third UNT to Crows Run (WWF) with a drainage area less than 100 acres; construct and maintain a relocated replacement 164' long channel. Remove an existing 39.1' long 18" diameter pipe culvert conveying this same UNT; construct and maintain a replacement 54.9' long 54" diameter pipe culvert upstream of the existing pipe;

5. Remove the existing T-575 Crows Run Road 40' long 48" pipe culvert conveying Pine Run (WWF) with a drainage area of 0.67 square miles; construct and maintain a downstream replacement 38.5' long 7.5' high by 12' wide, depressed concrete box culvert with a minimum underclearance of 6.5'. Construct and maintain an additional 117.5' of open channel in Pine Run downstream of the box culvert to accommodate the relocation of Crows Run;

6. Remove the existing T-575 Crows Run Road 34.2' long 12" diameter pipe culvert conveying a fourth UNT to Crows Run (WWF) with a drainage area less than 100 acres; construct and maintain a downstream replacement 55.1' long 30" diameter pipe culvert. Construct and maintain an additional 54' of open channel in the UNT downstream of the pipe culvert to accommodate the relocation of Crows Run;

7. Remove the existing 39.8' long 12" diameter pipe culvert conveying a fifth UNT to Crows Run (WWF) with a drainage area less than 100 acres; construct and maintain a replacement 57.7' long 30" diameter pipe culvert in the same location;

8. Place and maintain fill in 63' of a sixth UNT to Crows Run (WWF) with a drainage area less than 100 acres to accommodate the relocation of Crows Run. Remove the two existing, parallel T-738 Romigh Road; 40.3' long 48" diameter pipe culverts conveying this same UNT; construct and maintain a 58' long 43" by 68" elliptical concrete pipe culvert in the same location; place and maintain fill in 23' of this same UNT; construct and maintain a 19' long replacement channel;

9. Remove the existing 16' wide bridge with a minimum underclearance of 7.5' carrying T-738 Romigh Road over Crows Run (WWF) with a drainage area of 13.62 square miles; construct and maintain an upstream replacement 27' wide bridge with a minimum underclearance of 9.8';

10. Construct and maintain a new SR 2004 single-span 48.6' wide bridge with a minimum underclearance of 29.9' over Snake Run (WWF) with a drainage area of 3.24 square miles; construct and maintain an additional 49' of open channel in Snake Run to accommodate the relocation of Crows Run;

11. Remove the existing 18' wide single-span T-606 Park Quarry Road Bridge with a minimum underclearance of 11' carrying Crows Run (WWF) with a drainage area of 13.62 square miles; construct and maintain a replacement 27.5' wide sing-span bridge with a minimum underclearance of 13' in the same location;

12. In addition install and maintain road associated stormwater outfalls, permanently impact 0.04 acre of PEM/POW wetland, and temporarily impact 0.04 acre of PEM/POW wetland and 1,736' of stream for the construction of these encroachments. Wetland mitigation of 0.65 acre and stream mitigation of 4,991 linear feet will be constructed onsite.

These encroachments are associated with the SR 2004 Freedom Road Upgrade project, which includes roadway improvements and realignments extending east from the existing intersection of SR 65 and SR 2004 Crows Run Road for 1.34 mile to 400 feet east of the intersection of SR 2004 and T-606 Park Quarry Road (Baden PA Quadrangle; Beginning Latitude 40° 40' 14.4"; Longitude -80° 14' 39.2"; Ending Latitude 40° 40' 55"; Longitude -80° 13' 17.8") in New Sewickley Township and Conway Borough, Beaver County.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, PA 17701.*

ESCP 2 # ESG00000140001(1)  
Applicant Name Enterprise TE Products Pipeline Co., LLC  
Contact Person  
Address PO Box 4324  
City, State, Zip Houston, TX 77210  
County Clearfield  
Township(s) Union Twp  
Receiving Stream(s) and Classification(s) Panther Run—CWF

ESCP 2 # ESG00033160001 Phase II  
Applicant Name Dominion Transmission, Inc  
Contact Person  
Address 925 White Oaks Blvd  
City, State, Zip Bridgeport, WV 26330  
County Clearfield  
Township(s) Brady Twp  
Receiving Stream(s) and Classification(s) Limestone Run—CWF  
Luthersburg Branch—CWF

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, PA 17701.*

ESCP 2 # ESG00000140001(1)  
Applicant Name Enterprise TE Products Pipeline Co., LLC  
Contact Person  
Address PO Box 4324  
City, State, Zip Houston, TX 77210  
County Clearfield  
Township(s) Union Township  
Receiving Stream(s) and Classification(s) Panther Run, CWF

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX11-129-0032  
Applicant Name Chevron Appalachia, LLC  
Contact Person Branden Weimer  
Address 800 Mountain View Drive  
City, State, Zip Smithfield, PA 15478  
County Westmoreland County  
Township(s) South Huntingdon Township  
Receiving Stream(s) and Classification(s) Sewickley Creek (WWF), Youghiogheny River

ESCGP-2 # ESX15-007-0020  
Applicant Name PennEnergy Resources, LLC  
Contact Person Gregg A. Stewart  
Address 100 Commerce Drive, Park Place One, Suite 100  
City, State, Zip Pittsburgh, PA 15275  
County Beaver County  
Township(s) Economy Borough  
Receiving Stream(s) and Classification(s) UNTs to North Fork Bing Sewickley Creek (TSF)/North Fork Big Sewickley Creek Watershed/  
Secondary Receiving Water: Big Sewickley Creek (TSF)

ESCGP-2 # ESX16-005-0001  
Applicant Name Snyder Brothers, Inc.  
Contact Person Carl Rose  
Address P.O. Box 1022  
City, State, Zip Kittanning, PA 16201  
County Armstrong County  
Township(s) East Franklin Township  
Receiving Stream(s) and Classification(s) Trib 47106 to Limestone Run (WWF), Glade Run (TSF), Trib 46963 to Allegheny River (WWF), Trib 46964 to Allegheny River (WWF), Allegheny River

ESCGP-2 # ESG14-059-0057  
Applicant Name Vantage Energy Appalachia, LLC  
Contact Person John J. Moran, Jr.  
Address 116 Inverness Drive East, Suite 107  
City, State, Zip Englewood, CO 80112  
County Greene County  
Township(s) Gray Township  
Receiving Stream(s) and Classification(s) UNTs to Grays Fork (HQ-WWF); Grays Fork (HQ-WWF)/South Fork Ten Mile Creek Watershed;  
Secondary Receiving Water—South Fork Ten Mile Creek (HQ-WWF)

ESCGP-2 # ESX15-059-0062  
Applicant Name Vista Gathering, LLC  
Contact Person Mike Hopkins  
Address 480 Johnson Road, Suite 100  
City, State, Zip Washington, PA 15301  
County Greene County  
Township(s) Mount Morris  
Receiving Stream(s) and Classification(s) (2) UNT to N. Branch Calvin Run, N. Branch Calvin Run (WWF); (4) UNT to Calvin Run, Calvin, Run; (1) UNT to Fox Run, Fox Run (WWF); (1) UNT to Shannon Run, Shannon Run, Little Shannon Run (CWF); (1) UNT to Little Shannon Run (CWF)

ESCGP-2 # ESX16-125-0018  
Applicant Name Laurel Mountain Midstream, LLC  
Contact Person Stephanie Ranker  
Address 111 Enterprise Lane  
City, State, Zip Connellsville, PA 15425  
County Washington County  
Township(s) Marianna Borough & West Bethlehem Township

Receiving Stream(s) and Classification(s) Trib 40811 to Patterson Run, Barrs Run; and Trib 40749 to Barrs Run/Lower Monongahela River Watershed (TSF)

**ESCGP-2 # ESX15-125-0058**

Applicant Name Rice Midstream Holdings, LLC

Contact Person Kyle Shirey

Address 400 Woodcliff Drive

City, State, Zip Canonsburg, PA 15317

County Washington/Greene Counties

Township(s) Marianna (Multiple Townships)

Receiving Stream(s) and Classification(s) UNT to 25527 Little Daniel's Run (TSF); UNT to 26887 Little Ten Mile Creek (TSF); 26887 Little Ten Mile Creek (TSF); UNTs to 20565 Ten Mile Creek; 20565 Ten Mile Creek (TSF); UNT to 21853 Patterson Run (TSF); 21853 Patterson Run (TSF); UNT to 24737 Castile Run (WWF); 24737 Castile Run (WWF); UNT to 21895 Ruff Creek (WWF); 218945 Ruff Creek (WWF); 31717 Craig Run (WWF); UNT to 29615 Craynes Run (WWF-Impaired); 29615 Craynes Run (WWF-Impaired); UNT to 62634 Grimes Run (WWF)

**ESCGP-2 # ESX10-059-0080**

Applicant Name Rice Drilling B, LLC

Contact Person Joe C. Mallow

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Greene County

Township(s) Center Township

Receiving Stream(s) and Classification(s) UNTs to Turkey Hollow (HQ-WWF)/South Fork Ten Mile Creek Watershed;

Secondary Receiving Water-Pursely Creek (HQ-WWF)

**ESCGP-2 # ESG16-059-0011**

Applicant Name EQT Production Company

Contact Person Todd Klaner

Address 2400 Zenith Ridge Road, Suite 200

City, State, Zip Canonsburg, PA 15317

County Greene County

Township(s) Morris and Washington Townships

Receiving Stream(s) and Classification(s) UNT to Ruff Creek/South Fork Ten Mile Creek/UNT to Fonner Run (HQ-WWF);

Secondary Receiving Water Ruff Creek (WWF), Fonner Run (HQ-WWF)

**ESCGP-2 # ESG16-129-0003**

Applicant Name Apex Energy (PA), LLC

Contact Person Chris Hess

Address 6041 Wallace Road, Suite 100

City, State, Zip Wexford, PA 15090

County Westmoreland County

Township(s) Salem Township

Receiving Stream(s) and Classification(s) Tributaries to Beaver Run and Beaver Run (HQ-CWF); Kiskiminetas River

**ESCGP-2 # ESX15-003-0008**

Applicant Name EQT Gathering, LLC

Contact Person Matt Hoover

Address 555 Southpointe Boulevard, Suite 200

City, State, Zip Canonsburg, PA 15317

County Allegheny County

Township(s) Forward Township

Receiving Stream(s) and Classification(s) UNT to Bunola Run, Bunola Run, UNT to Kelly Run, Kelly Run (all WWF)

**ESCGP-2 # ESX15-125-0068**

Applicant Name Rice Midstream Holdings, LLC

Contact Person Kyle A. Shirey

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) Carroll/Fallowfield Townships

Receiving Stream(s) and Classification(s) 2 UNTs Taylors Run/Monongahela River, Taylors Run/Monongahela River; 2 UNTs Pigeon Creek/Monongahela River, Sawmill Creek/Monongahela River (WWF)

**ESCGP-2 # ESG15-125-0062**

Applicant Name Rice Midstream Holdings, LLC

Contact Person Kyle A. Shirey

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) N. Strabane/S. Strabane Townships

Receiving Stream(s) and Classification(s) 7 UNTs to Little Chartiers Creek (HQ);

Secondary Receiving Water: Little Chartiers Creek

**ESCGP-2 # ESX14-125-0084**

Applicant Name Rice Poseidon Midstream, LLC

Contact Person Kyle A. Shirey

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) Somerset/Fallowfield Townships

Receiving Stream(s) and Classification(s) UNTs Pigeon Creek, N. Branch Pigeon Creek, Center Branch Pigeon Creek (Middle Monongahela);

Secondary Receiving Water: Pigeon Creek, N. Branch Pigeon Creek, Center Branch Pigeon Creek

**ESCGP-2 # ESX15-059-0011**

Applicant Name Rice Drilling B, LLC

Contact Person Joe C. Mallow

Address 400 Woodcliff Drive

City, State, Zip Canonsburg, PA 15317

County Greene County

Township(s) Aleppo Township

Receiving Stream(s) and Classification(s) UNT to South Fork of Dunkard Fork-Wheeling Watershed (TSF)

**ESCGP-2 # ESX16-125-0001**

Applicant Name Rice Drilling B, LLC

Contact Person Joe C. Mallow

Address 400 Woodcliff Drive

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) Somerset Township

Receiving Stream(s) and Classification(s) Center Branch Pigeon Creek/Pigeon Creek (WWF)

**ESCGP-2 # ESX16-125-0009**

Applicant Name Rice Midstream Holdings, LLC

Contact Person Kyle A. Shirey

Address 400 Woodcliff Drive

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) Carroll Township

Receiving Stream(s) and Classification(s) Taylors Run/Monongahela River (WWF); Pigeon Creek/Monongahela River (WWF); UNT to Pigeon Creek/Monongahela River (WWF)

**ESCGP-2 # ESG16-125-0004**

Applicant Name Rice Drilling B, LLC

Contact Person Joseph Mallow

Address 400 Woodcliff Drive

City, State, Zip Canonsburg, PA 15317



County Washington County  
Township(s) North Bethlehem Township  
Receiving Stream(s) and Classification(s) Little Chartiers  
Creek/Chartiers Creek (WWF)

ESCGP-2 # ESX15-125-0070  
Applicant Name Rice Drilling B, LLC  
Contact Person Joe C. Mallow  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) North Bethlehem Township  
Receiving Stream(s) and Classification(s) South Branch  
Pigeon Creek, UNT South Brank Pigeon Creek (WWF)

ESCGP-2 # ESG15-059-0055  
Applicant Name CNX Gas Company, LLC  
Contact Person Carol Phillips  
Address 200 Evergreene Drive  
City, State, Zip Waynesburg, PA 15370  
County Greene County  
Township(s) Center Township  
Receiving Stream(s) and Classification(s) UNTs to  
Lightner Run, UNTs to West Run, UNTs to South Fork  
Ten Mile Creek (HW-WWF)

ESCGP-2 # ESG15-059-0038  
Applicant Name Rice Drilling B, LLC  
Contact Person Joe C. Mallow  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) Nine (9) UNTs  
Garner Run & Garner Run/South Fork Ten Mile Creek  
(HQ-WWF)

ESCGP-2 # ESG15-125-0072  
Applicant Name Columbia Midstream Group, LLC  
Contact Person Farrah Lowe  
Address 5151 Sane Felipe, Suite 2500  
City, State, Zip Houston, TX 77056  
County Washington County  
Township(s) North & South Strabane Townships  
Receiving Stream(s) and Classification(s) Little Chartiers  
Creek (HQ-WWF-TSF); UNTs to Little Chartiers Creek  
(HQ-WWF)

ESCGP-2 # ESX15-005-0007  
Applicant Name Snyder Brothers, Inc.  
Contact Person Carl Rose  
Address 90 Glade Drive  
City, State, Zip Kittanning, PA 16201  
County Armstrong County  
Township(s) East Franklin Township  
Receiving Stream(s) and Classification(s) Glade Run  
(TSF)

ESCGP-2 # ESX16-007-0005  
Applicant Name Cardinal PA Midstream  
Contact Person Tommy Baskin  
Address 8150 N. Central Expressway  
City, State, Zip Dallas, TX 75206  
County Beaver County  
Township(s) New Sewickley Township  
Receiving Stream(s) and Classification(s) UNT to Brush  
Creek/Brush Creek; Brush Creek to Connaquenessing  
Creek/Connaquenessing Creek (WWF/WWF)

ESCGP-2 # ESX15-005-0003  
Applicant Name EQT Production Company, LLC  
Contact Person Todd Klaner  
Address 2400 Zenith Ridge Road, Suite 200  
City, State, Zip Canonsburg, PA 15317

County Armstrong County  
Township(s) Kittanning Township  
Receiving Stream(s) and Classification(s) UNT to Spra  
Run and UNT Mill Run (WWF)

ESCGP-2 # ESG15-125-0064  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2400 Zenith Ridge Road, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Nottingham Township  
Receiving Stream(s) and Classification(s) 2 UNTs to  
Mingo Creek/Monongahela (HQ-TSF); 2 UNTs to Peters  
Creek/Monongahela (HQ-TSF)

ESCGP-2 # ESG15-125-0048  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Towne Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Hopewell Township  
Receiving Stream(s) and Classification(s) UNT to Brush  
Run (HQ-WWF)/Wheeling-Buffalo Creeks Watershed

ESCGP-2 # ESG15-005-0004  
Applicant Name EQT Production Company, LLC  
Contact Person Todd Klaner  
Address 2400 Zenith Ridge Road, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Armstrong County  
Township(s) Kittanning Township  
Receiving Stream(s) and Classification(s) UNT 42688 HQ,  
TSF), #1 (HQ-TSF), and 42693 (HQ-TSF) to Buffalo  
Creek and UNT 46196 (TSF) and 46195 (TSF) to Glade  
Run

*Southwest District: Oil & Gas Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESG16-059-0020  
Applicant Name Vista Gathering, LLC  
Contact Person Mike Hopkins  
Address 480 Johnson Road, Suite 100  
City, State, Zip Washington, PA 15301  
County Greene County  
Township(s) Washington Township  
Receiving Stream(s) and Classification(s) (2) UNT to  
Wisecarver Run/Ten Mile Creek, Wisecarver Run/Ten  
Mile Creek, Garners Run/Ten Mile Creek; (2) UNT to  
Ruff Creek/Ten Mile Creek, Pettit Run/Ten Mile Creek;  
(3) UNT to Dillie Run/Ten Mile Creek, Dillie Run/Ten  
Mile Creek (All are HQ-WWF, with the exception of the  
(2) UNT to Ruff Creek which is WWF)

ESCGP-2 # ESX12-125-0028  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317-5839  
County Washington County  
Township(s) East Finley Township  
Receiving Stream(s) and Classification(s) UNTs to Sawhill  
Run (HQ-WWF)/Wheeling-Buffalo Creeks Watershed

ESCGP-2 # ESX15-059-0010  
Applicant Name Rice Energy B, LLC  
Contact Person Joe Mallow  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Wayne Township



Receiving Stream(s) and Classification(s) Hoovers Run/  
Hoovers Run—Dunkard Creek (WWF)

ESCGP-2 # ESX16-007-0002

Applicant Name PennEnergy Resources, LLC  
Contact Person Gregg Stewart  
Address 1000 Commerce Drive, Park Place One, Suite  
100  
City, State, Zip Pittsburgh, PA 15275  
County Beaver County  
Township(s) Daugherty Township  
Receiving Stream(s) and Classification(s) UNT to Block  
House Run/Beaver River (WWF/WWF)

ESCGP-2 # ESX10-005-0009

Applicant Name EXCO Resources (PA), LLC  
Contact Person Brian Rushe  
Address 260 Executive Drive, Suite 100  
City, State, Zip Cranberry Township, PA 16066  
County Armstrong County  
Township(s) Manor Township  
Receiving Stream(s) and Classification(s) UNT to Camp-  
bell Run (WWF)

ESCGP-2 # ESX16-129-0005

Applicant Name Apex WML Midstream LLC  
Contact Person JD McNally  
Address 6041 Wallace Road Extension, Suite 100  
City, State, Zip Wexford, PA 15090  
County Washington County  
Township(s) Hempfield Township  
Receiving Stream(s) and Classification(s) Trib. 37601 of  
Little Sewickley Creek, UNT 1, UNT 2, and UNT 3 to  
Trib. 37601 of Little Sewickley Creek/Lower  
Youghiogheny River Watershed; Trib. 37316 of Brush  
Creek/Lower Monongahela River Watershed (WWF,  
TSF)

ESCGP-2 # ESX16-129-0002

Applicant Name Apex WML Midstream LLC  
Contact Person Chris Hess  
Address 6041 Wallace Road Extension, Suite 100  
City, State, Zip Wexford, PA 15090  
County Washington County  
Township(s) Hempfield Township  
Receiving Stream(s) and Classification(s) UNT 1 to Trib.  
37599 of Little Sewickley Creek and Trib. 37599 of  
Little Sewickley Creek/Youghiogheny River Watershed  
(WWF, TSF)

ESCGP-2 # ESX13-125-0070

Applicant Name MarkWest Liberty Midstream & Re-  
sources, LLC  
Contact Person Rick Lowry  
Address 4600 J. Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Donegal Township  
Receiving Stream(s) and Classification(s) UNT to Bonar  
Creek, Bonar Creek, UNTs to Middle Wheeling Creek,  
UNTs to Dutch Fork (HQ-WWF)

ESCGP-2 # ESX11-051-0038

Applicant Name Chevron Appalachia, LLC  
Contact Person Branden Weimer  
Address 800 Mountain View Drive  
City, State, Zip Smithfield, PA 15478-8902  
County Fayette County  
Township(s) Franklin Township  
Receiving Stream(s) and Classification(s) UNT to  
Crabapple Run, Crabapple Run/Middle Monongahela  
River Watershed (WWF)

ESCGP-2 # ESX14-059-0098

Applicant Name EQM Gathering OPO, LLC  
Contact Person Brinton E. Goettel  
Address 625 Liberty Avenue, Suite 1700  
City, State, Zip Pittsburgh, PA 15222  
County Greene County  
Township(s) Morgan Township  
Receiving Stream(s) and Classification(s) UNT to Poverty  
Run, Poverty Run and UNT to Ruff Creek (WWF);  
Secondary receiving water South Fork Ten Mile Creek,  
Ten Mile Creek, Monongahela River

ESCGP-2 # ESX10-125-0005

Applicant Name Range Resources—Appalachia, LLC  
Contact Person Glenn D. Truzzi  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Cross Creek Township  
Receiving Stream(s) and Classification(s) UNT to Cross  
Creek (HQ-WWF) & UNT to South Fork Cross Creek  
(HQ-WWF)/Raccoon Creek

ESCGP-2 # ESX15-059-0060

Applicant Name Rice Drilling B, LLC  
Contact Person Joseph C. Mallow  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Aleppo Township  
Receiving Stream(s) and Classification(s) Harts Run  
(WWF), Wagonroad Run (WWF), South Fork Dunkard  
Fork/Fishing Creek (TSF) and Wheeling Creek

ESCGP-2 # ESX14-003-0002

Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2400 Zenith Ridge Road, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Allegheny County  
Township(s) Forward Township  
Receiving Stream(s) and Classification(s) Two (2) UNTs to  
Bunola Run/Monongahela River; Two (2) UNTs to  
Monongahela River/Monongahela River (WWF)

ESCGP-2 # ESX15-007-0022

Applicant Name PennEnergy Resources  
Contact Person Gregg Stewart  
Address 1000 Commerce Drive, Park Place One, Suite  
100  
City, State, Zip Pittsburgh, PA 15275  
County Beaver County  
Township(s) Marion Township  
Receiving Stream(s) and Classification(s) UNT to Con-  
noquenessing Creek/Slippery Rock Creek (WWF); Con-  
noquenessing Creek to Beaver River/Slippery Rock  
Creek (WWF)

ESCGP-2 # ESX15-125-0061

Applicant Name Rice Drilling B, LLC  
Contact Person Joe C. Mallow  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Amwell and North Bethlehem Townships  
Receiving Stream(s) and Classification(s) Brush Run and  
UNT Brush Run (TSF)

ESCGP-2 # ESX15-059-0052

Applicant Name Rice Drilling B, LLC  
Contact Person Joseph Mallow  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317

County Greene County  
Township(s) Aleppo Township  
Receiving Stream(s) and Classification(s) UNT Mudlick  
For, UNT Chambers Run (TSF)

*Southwest District: Oil & Gas Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX13-125-0081

Applicant Name MarkWest Liberty Midstream & Resources, LLC

Contact Person Rick Lowry

Address 4600 J. Barry Court, Suite 500

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) Chartiers Township

Receiving Stream(s) and Classification(s) UNTs to Chartiers Run, UNTs to Allison Hollow, Chartiers Run, UNTs to Charriers Creek (WWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-081-16-0020

Applicant Name EXCO Resources PA LLC

Contact Person Brian Rushe

Address 260 Executive Dr, Suite 100

City, State, Zip Cranberry Twp, PA 16066

County Lycoming

Township(s) Penn

Receiving Stream(s) and Classification(s) UNT to Sugar Run (CWF); UNT to Big Run (CWF)

Secondary—Sugar Run (CWF); Big Run (CWF)

ESCGP-2 # ESX29-105-16-0006

Applicant Name JKLM Energy LLC

Contact Person Scott Blauvelt

Address 2200 Georgetowne Dr, Suite 500

City, State, Zip Sewickley, PA 15143

County Potter

Township(s) Eulalia & Sweden

Receiving Stream(s) and Classification(s) Prosser Hollow (CWF)

Secondary—Allegheny River (CWF)

ESCGP-2 # ESX29-015-14-0071(01)

Applicant Name Talisman Energy USA Inc

Contact Person Lance Ridall

Address 337 Daniel Zenker Dr

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Columbia

Receiving Stream(s) and Classification(s) UNT to Sugar Ck (TSF, MF)

Secondary—Sugar Ck

ESCGP-2 # ESX29-115-16-0021

Applicant Name Williams Field Svcs Co LLC

Contact Person Chad Johnson

Address 310 SR 29 N

City, State, Zip Tunkhannock, PA 18657

County Susquehanna

Township(s) Brooklyn

Receiving Stream(s) and Classification(s) Martins Ck (CWF-MF) and UNTs thereto

ESCGP-2 # ESX29-117-16-0030

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 2100 Georgetown Dr, Suite 400

City, State, Zip Sewickley, PA 15143

County Tioga

Township(s) Sullivan

Receiving Stream(s) and Classification(s) Fellows Ck (CWF); Fall Brook (CWF); Corey Ck (CWF)

ESCGP-2 # ESG29-115-16-0027

Applicant Name Bluestone Pipeline Co of PA LLC

Contact Person Michael Spangenberg

Address 1429 Oliver Rd

City, State, Zip New Milford, PA 18834

County Susquehanna

Township(s) New Milford

Receiving Stream(s) and Classification(s) East Lake Ck (HQ-CWF); Salt Lick Ck (HQ-CWF)

Secondary—Salt Lick Ck (HQ-CWF); Susquehanna River (WWF)

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16-02-039	National Oilwell Varco, L.P. 7909 Parkwood Circle Drive Houston, TX 77036 Attn: Scott Rader	Allegheny	Leetsdale Borough	3 ASTs storing petroleum products	63,000 gallons total

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 2016 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Keith Angelitis	3650 Concorde Pkwy, Ste. 100 Chantilly, VA 20151	Testing
Michael Biechler	2466 Roundtop Rd. Middletown, PA 17057	Testing
Jeffrey Biondo	443 Second St. Blakely, PA 18447	Testing
HomeTeam Inspection Services	1216 Edgewood Dr. West Homestead, PA 15120	Testing
Kevin Kenny	47 Cook Rd. Duncannon, PA 17020	Testing
Daniel Keogh	518 Kimberton Rd., PMB 311 Phoenixville, PA 19460	Testing
Thomas Kucera	24 Veterans Sq. Media, PA 19063	Testing
Christopher Marshall	4638 Curly Hill Rd. Doylestown, PA 18902	Testing
Karen Quick	2643 Eldridge Ave. Easton, PA 18045	Testing
Radon Testing Corporation of America	2 Hayes St. Elmsford, NY 10524	Laboratory Analysis
Troy Rudy	PO Box 4214 Lancaster, PA 17604	Mitigation
Dennis Skladanowski	5140 Amherst Rd. Erie, PA 16506	Testing
Jeffrey Smith	1213 Allie Buck Rd. Nanty Glo, PA 15943	Testing
John Staz, III	1738 N. Third St., Ste. A Harrisburg, PA 17102	Testing
John White	8 Redwood Dr. Lewistown, PA 17044	Testing
Robert Wills	877 Williams Pl. Warminster, PA 18974	Testing

**Proposed Conditional State Water Quality Certification for the Emsworth Locks and Dam Hydroelectric Project, DEP File No. WQ05-003, FERC Project No. 13757-002**

On March 14, 2014, FFP Missouri 5, LLC (Applicant) filed an application with the Federal Energy Regulatory Commission (FERC) for a license to construct and operate a 24-megawatt (MW) hydroelectric facility at the Emsworth Locks and Dam, which is owned and operated by the U.S. Army Corps of Engineers (Corps), on the Ohio River, at river mile 6.2, in Allegheny County, Pennsylvania (Project). The Applicant is required pursuant to section 401(a) of the Federal Clean Water Act (act) (33 U.S.C. § 1341(a)) to provide FERC with certification from the Commonwealth of Pennsylvania (Commonwealth) that any discharge from the Project to waters of the Commonwealth will comply with provisions of the act relating to water quality standards, and necessary measures to achieve and maintain those standards. The Commonwealth has established such standards and programs to achieve and maintain them under State law, which have been approved by the U.S. Environmental Protection Agency as consistent with the applicable provisions of the act. The Pennsylvania Department of Environmental Protection (Department) administers the Commonwealth's water quality standards programs under State law, and is responsible for the review of requests

from applicants for water quality certification made pursuant to section 401 of the act.

On August 23, 2016, Rye Development, LLC provided the Department with a complete application for State Water Quality Certification, including an Environmental Assessment for the Project, on behalf of the Applicant. The Project would consist of a new 205-foot-long, 180-foot-wide intake channel to be excavated into the riverbed immediately downstream of the Corps' gate 7 and 8. Four (4) 50-foot-wide, 40-foot-high spillway gate bays would be constructed along the river side of the excavated intake channel, to pass flow equivalent to the Corps' spillway gates 7 and 8. The intake channel would lead to a concrete intake structure that would convey flows past a trash rack with 5-inch clear bar spacing, to a new reinforced concrete powerhouse that is 30 feet long, 180 feet wide and 63.5 feet in height. The powerhouse would house four equally sized horizontal pit Kaplan turbine generator units with a combined capacity of 24 MWs. Flows would exit the powerhouse into a 380-foot-long tailrace excavated into the riverbed. Project power would be transmitted from the powerhouse to a new project substation with an 88-foot-long, medium-voltage buried cable, and then from the new substation to an existing substation with a 1,893-foot-long, 69-kilovolt overhead transmission line.



The Department, by this notice, proposes to certify that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301-303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and will not violate the Commonwealth's water quality standards, provided that the construction, operation and maintenance of the Project complies with the conditions for this certification as listed below, and the terms and conditions of the State law permits required to demonstrate compliance with Pennsylvania Water Quality Standards:

1. *Discharge Permit*—If the proposed facility will result in a discharge into waters of the Commonwealth, the Applicant shall, prior to construction, obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit from the Department for discharges to waters of the Commonwealth pursuant to the Clean Streams Law (35 P.S. §§ 691.1—691.1001), and applicable regulations implementing the Clean Streams Law, including, but not limited to, 25 Pa. Code Chapters 91, 92a, 93 and 96. As part of the NPDES permit application for the Project, the Applicant shall provide the Department with information on the potential impacts of the Project on water quality and measures that will be taken to avoid, minimize and/or mitigate those impacts, including information on the type, volume and concentration of pollutants that may be discharged, impacts to Federal and State threatened and endangered species and other species of special concern, impacts on the flow and dissolved oxygen levels of the impacted waters, and measures to be taken to avoid water quality impacts, and impingement, entrainment, habitat destruction, and other adverse impacts on fish and wildlife species. The applicant shall also submit a plan as part of the permit application to prevent pollutants from directly or indirectly reaching waters of the Commonwealth through accident, carelessness, maliciousness, hazards of weather or from other causes consistent with 25 Pa. Code § 91.34. The Applicant shall assess impacts and develop best management practices as part of its permit application consistent with applicable Department technical guidance.

2. *Erosion and Sediment Control*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 102. The Applicant shall obtain and comply with an NPDES permit from the Department for the discharge of stormwater if the earth disturbance activities associated with the Project will result in a total disturbance equal to or greater than 1 acre. Earth disturbance activities associated with discharging dredged or fill material from the Project to waters of the United States which require permit coverage under Section 404 of the Clean Water Act (33 U.S.C.A. § 1344) need not obtain an additional NPDES Permit from the Department for earth disturbance activities covered by the Section 404 permit. The Applicant shall submit final detailed erosion and sediment control and post construction stormwater management plans for all Project activities to the Department and County Conservation District for their review and approval prior to commencement of construction. Specific guidance on the requirements of the NPDES Permit for Stormwater Discharges Associated with Construction Activities can be obtained from the County Conservation District or the DEP Regional Office.

3. *Water Obstruction and Encroachment Permit*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 105 relating to dam safety and waterway management. The Applicant shall obtain and comply with a Chapter 105 Water Obstruction and Encroachment Permit (WO&EP) issued by the Department

for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is not part of the Corps' dam or its appurtenant works pursuant to the Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations. Project activities requiring a WO&EP may include, but are not limited to, access roads, buildings, penstocks, outfalls, utility lines, pipelines, and staging areas.

4. *Submerged Lands License Agreement*—The Applicant shall obtain and comply with a Submerged Lands License Agreement pursuant to Pennsylvania's Dam Safety and Encroachments Act (32 P.S. § 693.15) from the Department to occupy submerged lands of the Commonwealth in navigable waters as necessary to construct, operate and maintain the Project.

5. *Water Resource Planning Act Registration*. In accordance with the Pennsylvania Water Resources Planning Act (27 Pa.C.S. § 3118) and the regulations thereunder (25 Pa. Code Chapter 110), FFP Missouri 5, LLC must register the hydropower facility with the Department and report water usage to the Department annually.

6. *Limited Power Permit*—The Applicant shall obtain and comply with a permit from the Department as required by the act of June 14, 1923 (32 P.S. §§ 591—625) related to the construction of a power dam or for a change in stream to develop power. The Applicant shall submit an application for this permit to the Department on the form available from the Department.

7. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project.

8. *Preparedness, Prevention and Contingency Plan*—The Applicant shall develop and maintain on site a Preparedness, Prevention and Contingency Plan (PPC Plan) for any project activities utilizing pollutants pursuant to 25 Pa. Code Chapter 91, Section 91.34. The PPC Plan shall be developed in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48522/400-2200-001.pdf>.

9. *Operation*—The Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by the Applicant.

10. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be made available for inspection by the Department during such inspections of the Project.

11. *Transfer of Projects*—If the Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, the Applicant shall serve a copy of this certification



upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Southwest Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them. The existing owner shall continue to be responsible for construction and operations at the Project until a transfer to the new owner has been completed.

12. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, and shall reference DEP File No. WQ05-003, APS ID # 888601, or Authorization No. 1103887.

13. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that the Applicant has not complied with the terms and conditions of this certification. The Department reserves the right to require additional measures to achieve compliance with applicable laws and/or regulations, subject to the Applicant's applicable procedural and substantive rights.

14. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve the Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or state law or regulation.

15. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

The Department will consider all comments received on or before October 17, 2016, before taking final action on this conditional State Water Quality Certification. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by electronic mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted by email to [ecomments@pa.gov](mailto:ecomments@pa.gov), or by mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

#### **Announcement of Eligibility for Emergency Permits—Penn Jersey System, Texas Eastern, LP**

On September 1, 2016, Texas Eastern Transmission, LP (Texas Eastern), a subsidiary of Spectra Energy Partners, LP (Spectra Energy) requested a determination of eligibility for emergency permits under 25 Pa. Code § 105.64 permits to conduct inspection and repair of anomalies on portions of the Penn Jersey System across portions of Pennsylvania (the Project) from the Department. The Project must be completed by November 1, 2016 in order for the Penn Jersey System to meet peak demand throughout the Northeast during the winter months. The Project is required by the Amended Corrective Action Order (ACAO) issued on July 19, 2016 by the Federal Pipeline and Hazardous Materials Safety Administration (PHMSA). PHMSA found that the repairs are necessary to alleviate an imminent threat to life, property or the environment. Until the repairs are made, the Penn Jersey system will be required to operate at a reduced pressure which could result in gas shortages during the peak winter heating season.

Upon consideration of information submitted by Texas Eastern and Spectra Energy, including the July 19, 2016 ACOA requiring completion of the Project, the Department has determined that the Project is eligible for emergency permit coverage under 25 Pa. Code § 105.64. Texas Eastern is expected to begin submission of emergency permit requests immediately.

Questions concerning this determination can be directed to Scott Williamson, (717) 705-4799 or [swilliams@pa.gov](mailto:swilliams@pa.gov).

[Pa.B. Doc. No. 16-1604. Filed for public inspection September 16, 2016, 9:00 a.m.]

#### **Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance Document*

**DEP ID:** 546-5500-001. **Title:** Acid Mine Drainage Set-Aside Program: Program Implementation Guidelines. **Description:** This document establishes uniform procedures to ensure that the Acid Mine Drainage Set-Aside Program is implemented in a scientifically sound and cost effective manner to maximize the stream miles restored with the funds available. The document, initially drafted in 2009, was re-evaluated, revised and published as Doc. No. 370-5500-001 at 45 Pa.B. 917 (February 21, 2015) for a 30-day comment period ending on March 23, 2015. The guidance, where applicable, has been revised based upon submitted comments.

**Contact:** Jeffrey Means at (814) 472-1832 or [jemeans@pa.gov](mailto:jemeans@pa.gov).

**Effective Date:** Saturday, September 17, 2016

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1605. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Bid Opportunity

**OSM 16(3476)101.1, Abandoned Mine Reclamation Project, Sutton Southwest, Limestone Township, Clarion County.** The principal items of work and approximate quantities include grading 183,000 cubic yards, alkaline addition 605 tons and seeding 15.6 acres.

This bid issues on September 30, 2016, and bids will be opened on October 27, 2016, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts). Bid documents and drawings can also be obtained upon payment of \$22, plus \$13 for postage, which includes sales tax, by calling (717) 787-7820. Auto-Cad Map 3D format drawings can also be purchased on a compact disc (CD) for an additional \$5 per CD. Money will not be refunded. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201–1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1606. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Federal Consistency under the Coastal Zone Management Act; Dredging Permit Extension at Lake Erie

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program (CRMP) has received notice that the Erie Sand and Gravel Company is requesting authorization from the United States Army Corps of Engineers to extend their existing dredging permit within Lake Erie for 10 years.

The applicant is proposing to hydraulically dredge approximately 300,000 cubic yards of sand and gravel annually for commercial purposes from a designated 1.6 square mile area within Lake Erie. The recovered material would be screened onsite and water and fine sediments would be returned to the lake within the dredged area.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on the Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved CRMP. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, (717) 772-2196 or [RA-Fed\\_Consistency@pa.gov](mailto:RA-Fed_Consistency@pa.gov).

The Department will consider all comments received on or before October 3, 2016, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted by e-mail to [ecomments@pa.gov](mailto:ecomments@pa.gov) or by mail to the Department of Environmental Protection, Compacts and Commissions Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17101-8465.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1607. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Federal Consistency under the Coastal Zone Management Act; Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II Batch One

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program (CRMP) has received notice that the United States Department of the Navy is proposing Uniform National Discharge Standards (UNDS) for Vessels of the Armed Forces—Phase II Batch One.

The UNDS mirrors, as appropriate, the United States Environmental Protection Agency's National Pollution Discharge System Vessel General Permit which applies to commercial vessel discharges. The proposed rule was published at 79 FR 6117 (February 3, 2014).

This project is subject to Department review for Federal consistency because it is a Federal agency activity and will have reasonably foreseeable effects on the Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart C (relating to consistency for Federal agency activities), the United States Department of the Navy has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved CRMP. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, (717) 772-2196 or [RA-Fed\\_Consistency@pa.gov](mailto:RA-Fed_Consistency@pa.gov).

The Department will consider all comments received on or before October 3, 2016, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written

comments should be submitted by e-mail to [ecomments@pa.gov](mailto:ecomments@pa.gov) or by mail to the Department of Environmental Protection, Compacts and Commissions Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17101-8465.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1608. Filed for public inspection September 16, 2016, 9:00 a.m.]

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden, DEd, at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1609. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Mining and Reclamation Advisory Board; Regulatory, Legislative and Technical Committee Meeting

The Mining and Reclamation Advisory Board's (Board) Regulatory, Legislative and Technical Committee (Committee) will meet on September 22, 2016, from 10 a.m. to 12 p.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals interested in participating in the meeting by conference call should visit the web site as follows for additional instructions.

Questions concerning the meeting can be directed to Daniel E. Snowden, DEd, at (717) 783-8846 or [dsnowden@pa.gov](mailto:dsnowden@pa.gov). The agenda and meeting materials for the meetings are available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Mining and Reclamation Advisory Board (MRAB)").

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Northumberland County

The Department of General Services (Department) will accept bids for the purchase of 10 ± acres of land and 23,131 ± square feet of building areas located at 206 Armory Road, Sunbury, Northumberland County. Bids are due Tuesday, December 6, 2016. Interested parties wishing to receive a copy of Solicitation No. 94835 should view the Department's web site at [www.dgs.pa.gov](http://www.dgs.pa.gov) or call Andrew Lick at (717) 772-8842.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-1610. Filed for public inspection September 16, 2016, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospital has filed a request for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). Department regulations governing hospital licensure can be found in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals). The following hospital is requesting an exception to 28 Pa. Code § 153.1 (relating to minimum standards) which contains minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
UPMC Horizon	2.1-8.5.3.2	Size (TDRs)	2014

The request previously listed is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-1611. Filed for public inspection September 16, 2016, 9:00 a.m.]



## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments to Nonpublic Nurs- ing Facilities for Fiscal Year 2016-2017

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make Medical Assistance Day One Incentive (MDOI) payments to qualified nonpublic nursing facilities for Fiscal Year (FY) 2016-2017. The MDOI payments to nonpublic nursing facilities will provide incentives to nonpublic nursing facilities to provide services to individuals who are Medical Assistance (MA) eligible on the day of admission. The MDOI payments are intended to encourage nonpublic nursing facilities to increase access to care for the poor and indigent citizens of this Commonwealth.

#### Background

The Department has previously been directed to make MDOI payments for FY 2013-2014, FY 2014-2015 and FY 2015-2016 to qualified nonpublic nursing facilities. See the act of July 9, 2013 (P.L. 369, No. 55), the act of July 10, 2014 (P.L. 1053, No. 126) and the act of December 28, 2015 (P.L. 500, No. 92). The act of July 8, 2016 (P.L. 480, No. 76) also directs the Department to continue to make MDOI payments to qualified nonpublic nursing facilities for FY 2016-2017. The Department will use the Total Pennsylvania Medical Assistance (PA MA) days and Total Resident Days as reported by nonpublic nursing facilities under Article VIII-A of the Human Services Code (62 P.S. §§ 801-A—815-A), regarding nursing facility assessments, to determine eligibility and calculate payments.

To qualify for MDOI payments, the nursing facility must be a nonpublic nursing facility for the full Resident Day quarter prior to the applicable quarterly reporting due dates of October 31, January 31, April 30 and July 31. In addition, the nonpublic nursing facility shall have an overall occupancy rate of at least 85% and an MA occupancy rate of at least 65% during the Resident Day quarter. A nursing facility's overall occupancy rate for these payments will be determined as follows: Overall occupancy rate = (Total Resident Days ÷ (licensed bed capacity at the end of the quarter × the number of calendar days in the quarter)). A nursing facility's MA occupancy rate for these payments will be determined as follows: MA occupancy rate = Total PA MA days ÷ Total Resident Days.

Each nursing facility may qualify for a maximum of four MDOI payments. Using the nursing facility assessment quarterly resident day reporting forms available on October 31 for the first payment, January 31 for the second payment, April 30 for the third payment and July 31 for the fourth payment, the Department will calculate each qualified nonpublic nursing facility's MDOI payments based on the following formula:

(i) An MDOI per diem for each payment will be 1/4 of the total funds appropriated for the fiscal year divided by the Total PA MA days as reported by all qualifying nonpublic nursing facilities.

(ii) Each qualified nonpublic nursing facility's MDOI payment will be the per diem multiplied by a nonpublic nursing facility's Total PA MA days.

The Department will not retroactively revise an MDOI payment amount based on a nursing facility's late submission or revision of its report related to the previously listed dates. The Department may recoup payments based on an audit of a nursing facility's report.

The Department will submit a Medicaid State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS). If CMS approves the SPA, the Department will have the authority to make MDOI payments to nonpublic nursing facilities for FY 2016-2017.

#### Fiscal Impact

The fiscal impact of this change is estimated at \$12.443 million (\$6.000 million in State funds) for FY 2016-2017 and \$4.148 million (\$2.000 million in State funds) for FY 2017-2018.

#### Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1055. (1) General Fund; (2) Implementing Year 2016-17 is \$6,000,000; (3) 1st Succeeding Year 2017-18 is \$2,000,000; 2nd Succeeding Year 2018-19 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1612. Filed for public inspection September 16, 2016, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$10,000 Mad Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. **Name:** The name of the game is Pennsylvania \$10,000 Mad Money.

2. **Price:** The price of a Pennsylvania \$10,000 Mad Money instant lottery game ticket is \$1.

3. **Play Symbols:** Each Pennsylvania \$10,000 Mad Money instant lottery game ticket will contain one play area. The play area will contain a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING



NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Swirl (SWIRL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$400, \$1,000 and \$10,000. A player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania \$10,000 Mad Money instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbol and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$100 (ONE HUN) appears

in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL)

symbol and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$1.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either "WINNING NUMBERS" play symbol and a prize symbol of FREE (TICKET) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania \$10,000 Mad Money instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
FREE	FREE \$1 TICKET	12	900,000
\$1 w/ SWIRL	\$1	50	216,000
\$1	\$1	300	36,000
\$1 × 2	\$2	300	36,000
\$2 w/ SWIRL	\$2	20	540,000
\$2	\$2	75	144,000
\$1 × 4	\$4	600	18,000
\$2 × 2	\$4	600	18,000
(\$1 w/ SWIRL) × 4	\$4	100	108,000
\$4 w/ SWIRL	\$4	120	90,000
\$4	\$4	600	18,000
\$5 w/ SWIRL	\$5	100	108,000
\$5	\$5	300	36,000
\$5 × 2	\$10	1,500	7,200
(\$4 × 2) + (\$1 × 2)	\$10	1,500	7,200
(\$4 w/ SWIRL) + (\$2 × 3)	\$10	375	28,800
\$10 w/ SWIRL	\$10	428.57	25,200
\$10	\$10	3,000	3,600
\$5 × 4	\$20	3,000	3,600
\$10 × 2	\$20	3,000	3,600
(\$5 w/ SWIRL) × 4	\$20	600	18,000
\$20 w/ SWIRL	\$20	1,500	7,200
\$20	\$20	3,000	3,600
\$10 × 4	\$40	6,000	1,800
\$20 × 2	\$40	6,000	1,800
(\$10 w/ SWIRL) × 4	\$40	6,000	1,800
\$40 w/ SWIRL	\$40	6,000	1,800
\$40	\$40	12,000	900
(\$40 × 2) + (\$10 × 2)	\$100	12,000	900
(\$40 w/ SWIRL) + (\$20 × 3)	\$100	12,000	900
\$100 w/ SWIRL	\$100	12,000	900
\$100	\$100	12,000	900
\$100 × 4	\$400	48,000	225
(\$100 w/ SWIRL) × 4	\$400	48,000	225
\$400 w/ SWIRL	\$400	48,000	225
\$400	\$400	48,000	225
(\$400 × 2) + (\$100 × 2)	\$1,000	1,080,000	10
\$1,000 w/ SWIRL	\$1,000	1,080,000	10
\$1,000	\$1,000	1,080,000	10
\$10,000	\$10,000	1,080,000	10

Reveal a "SWIRL" (SWIRL) symbol, win prize shown under that symbol automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$10,000 Mad Money lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$10,000 Mad Money, prize money from winning Pennsylvania \$10,000 Mad Money lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$10,000 Mad Money lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$10,000 Mad Money or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1613. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Pennsylvania \$50,000 Mad Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$50,000 Mad Money.

2. *Price:* The price of a Pennsylvania \$50,000 Mad Money instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania \$50,000 Mad Money instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Swirl (SWIRL) symbol and a DOUBLE (DOUBLE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “Prize” areas are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$25.<sup>00</sup> (TWY FIV), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000 and \$50,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania \$50,000 Mad Money instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol







DOL) appears in the "Prize" area under that DOUBLE (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$4.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$2 w/ SWIRL	\$2	10.71	784,000
\$2	\$2	30	280,000
\$2 × 2	\$4	300	28,000
\$2 w/ DOUBLE	\$4	37.50	224,000
(\$2 w/ SWIRL) × 2	\$4	187.50	44,800
\$4 w/ SWIRL	\$4	750	11,200
\$4	\$4	300	28,000
\$5 w/ SWIRL	\$5	75	112,000
\$5	\$5	100	84,000
\$2 × 5	\$10	750	11,200
\$5 × 2	\$10	750	11,200
\$5 w/ DOUBLE	\$10	68.18	123,200
(\$2 w/ SWIRL) × 5	\$10	750	11,200
\$10 w/ SWIRL	\$10	1,500	5,600
\$10	\$10	1,500	5,600
(\$4 × 2) + (\$2 × 6)	\$20	1,500	5,600
\$5 × 4	\$20	1,500	5,600
\$10 × 2	\$20	1,500	5,600
\$10 w/ DOUBLE	\$20	150	56,000
(\$4 w/ SWIRL) × 5	\$20	1,500	5,600
\$20 w/ SWIRL	\$20	1,500	5,600
\$20	\$20	1,500	5,600
(\$5 × 3) + (\$2 × 5)	\$25	1,500	5,600
(((\$5 w/ DOUBLE) × 2) + (\$5 w/ SWIRL))	\$25	1,500	5,600
(\$5 w/ SWIRL) × 5	\$25	1,500	5,600
\$25 w/ SWIRL	\$25	1,500	5,600
\$25	\$25	1,500	5,600
\$10 × 5	\$50	6,000	1,400
(\$10 × 3) + (\$4 × 5)	\$50	6,000	1,400
(((\$10 w/ DOUBLE) × 2) + (\$10 w/ SWIRL))	\$50	1,200	7,000
(\$20 w/ DOUBLE) + (\$5 w/ DOUBLE)	\$50	2,000	4,200
\$25 w/ DOUBLE	\$50	2,000	4,200
(\$25 w/ SWIRL) × 2	\$50	6,000	1,400
\$50 w/ SWIRL	\$50	6,000	1,400
\$50	\$50	6,000	1,400
\$25 × 4	\$100	12,000	700
(\$20 × 2) + (\$10 × 6)	\$100	12,000	700
(\$10 w/ DOUBLE) × 5	\$100	6,000	1,400
\$50 w/ DOUBLE	\$100	6,000	1,400
\$100 w/ SWIRL	\$100	12,000	700
\$100	\$100	12,000	700
\$25 × 8	\$200	120,000	70
\$50 × 4	\$200	120,000	70
(\$50 w/ DOUBLE) × 2	\$200	120,000	70
(\$100 w/ SWIRL) × 2	\$200	120,000	70
\$200 w/ SWIRL	\$200	120,000	70
\$200	\$200	120,000	70
\$100 × 5	\$500	210,000	40
(\$100 × 3) + (\$40 × 5)	\$500	210,000	40

*When Any Of Your Numbers  
Match Either Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
(((\$100 w/ DOUBLE) × 2) + (\$50 w/ DOUBLE))	\$500	210,000	40
(\$50 w/ DOUBLE) × 5	\$500	210,000	40
\$500 w/ SWIRL	\$500	420,000	20
\$500	\$500	420,000	20
(\$500 w/ SWIRL) × 2	\$1,000	168,000	50
\$1,000	\$1,000	168,000	50
\$50,000	\$50,000	840,000	10

Reveal a "SWIRL" (SWIRL) symbol, win prize shown under that symbol automatically.

Reveal a "DOUBLE" (DOUBLE) symbol, double the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$50,000 Mad Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$50,000 Mad Money, prize money from winning Pennsylvania \$50,000 Mad Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$50,000 Mad Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$50,000 Mad Money or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1614. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Pennsylvania \$100,000 Mad Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$100,000 Mad Money.

2. *Price:* The price of a Pennsylvania \$100,000 Mad Money instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania \$100,000 Mad Money instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Swirl (SWIRL) symbol and a Money Bags (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup>

(TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania \$100,000 Mad Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bags (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in eight of the "Prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bags (WINALL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "Prize" areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bags (WINALL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "Prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears

in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the

"YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers  
Match Any Winning Number;  
Win Prize Shown Under The  
Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5 w/ SWIRL	\$5	15	720,000
\$5	\$5	15	720,000
\$5 × 2	\$10	120	90,000
(\$5 w/ SWIRL) × 2	\$10	60	180,000
\$10 w/ SWIRL	\$10	60	180,000
\$10	\$10	120	90,000
\$5 × 3	\$15	600	18,000
(\$5 w/ SWIRL) × 3	\$15	600	18,000
\$15 w/ SWIRL	\$15	600	18,000
\$15	\$15	600	18,000
\$5 × 4	\$20	300	36,000
\$10 × 2	\$20	600	18,000
(\$5 w/ SWIRL) × 4	\$20	300	36,000
\$20 w/ SWIRL	\$20	100	108,000
\$20	\$20	600	18,000
\$5 × 8	\$40	600	18,000
\$10 × 4	\$40	600	18,000
\$20 × 2	\$40	600	18,000
\$40 w/ SWIRL	\$40	600	18,000
\$40	\$40	600	18,000
\$5 × 10	\$50	600	18,000
\$10 × 5	\$50	600	18,000
(\$10 w/ SWIRL) × 5	\$50	200	54,000
\$50 w/ SWIRL	\$50	300	36,000
\$50	\$50	600	18,000
MONEY BAGS w/ ((\$10 × 8) + (\$5 × 4))	\$100	800	13,500
\$10 × 10	\$100	2,400	4,500
\$20 × 5	\$100	2,400	4,500
\$50 × 2	\$100	2,400	4,500
(\$10 w/ SWIRL) × 10	\$100	3,000	3,600
\$100 w/ SWIRL	\$100	12,000	900
\$100	\$100	2,400	4,500
MONEY BAGS w/ ((\$50 × 2) + (\$40 × 10))	\$500	3,000	3,600
\$50 × 10	\$500	12,000	900
(\$100 w/ SWIRL) × 5	\$500	12,000	900
\$500 w/ SWIRL	\$500	12,000	900
\$500	\$500	12,000	900
MONEY BAGS w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	120,000	90
\$100 × 10	\$1,000	120,000	90
(\$500 w/ SWIRL) × 2	\$1,000	120,000	90
\$1,000 w/ SWIRL	\$1,000	120,000	90
\$1,000	\$1,000	120,000	90
\$10,000	\$10,000	120,000	90
\$100,000	\$100,000	1,080,000	10

Reveal a "SWIRL" (SWIRL) symbol, win prize shown under that symbol automatically.

Reveal a "MONEY BAGS" (WINALL) symbol, win all 12 prizes shown!



Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$100,000 Mad Money instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100,000 Mad Money, prize money from winning Pennsylvania \$100,000 Mad Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$100,000 Mad Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$100,000 Mad Money or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1615. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Pennsylvania \$300,000 Mad Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$300,000 Mad Money.

2. *Price:* The price of a Pennsylvania \$300,000 Mad Money instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania \$300,000 Mad Money instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Swirl (SWIRL) symbol, \$100 Bill (WIN100) symbol and a Money Bags (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$30,000 (TRY THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$30,000 and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania \$300,000 Mad Money instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30,000 (TRY THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$30,000 (TRY THO) appears in the

“Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in five of the “Prize” areas and a prize symbol of \$500 (FIV HUN) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in six of the “Prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “Prize” areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in three of the “Prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “Prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the “Prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in ten of the “Prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “Prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$100 Bill (WIN100) symbol and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that \$100 Bill (WIN100) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “Prize” area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in

the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$15.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers  
Match Any Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$10 w/ SWIRL	\$10	10	720,000
\$10	\$10	15	480,000
\$15 w/ SWIRL	\$15	30	240,000
\$15	\$15	30	240,000
\$10 × 2	\$20	120	60,000
\$20 w/ SWIRL	\$20	60	120,000
\$20	\$20	120	60,000
\$10 × 4	\$40	600	12,000
\$20 × 2	\$40	600	12,000
(\$10 w/ SWIRL) × 4	\$40	600	12,000
\$40 w/ SWIRL	\$40	600	12,000
\$40	\$40	600	12,000
\$10 × 5	\$50	600	12,000
(((\$20 w/ SWIRL) × 2) + (\$10 w/ SWIRL))	\$50	300	24,000
(\$10 w/ SWIRL) × 5	\$50	200	36,000
\$50 w/ SWIRL	\$50	200	36,000
\$50	\$50	600	12,000
\$10 × 10	\$100	600	12,000
\$100 w/ \$100 BILL	\$100	120	60,000
\$100 w/ SWIRL	\$100	600	12,000
\$100	\$100	600	12,000
MONEY BAGS w/ ((\$20 × 5) + (\$10 × 10))	\$200	2,667	2,700
MONEY BAGS w/ ((\$15 × 10) + (\$10 × 5))	\$200	3,000	2,400
\$100 × 2	\$200	6,000	1,200
(\$100 w/ \$100 BILL) + (\$10 × 10)	\$200	3,000	2,400
(\$100 w/ \$100 BILL) + (\$20 × 5)	\$200	3,000	2,400
(\$100 w/ \$100 BILL) + (\$50 × 2)	\$200	3,000	2,400
(\$100 w/ \$100 BILL) × 2	\$200	6,000	1,200
(\$20 w/ SWIRL) × 10	\$200	12,000	600
\$200 w/ SWIRL	\$200	12,000	600
\$200	\$200	12,000	600
MONEY BAGS w/ ((\$40 × 10) + (\$20 × 5))	\$500	6,000	1,200
MONEY BAGS w/ ((\$100 × 3) + (\$50 × 2) + (\$10 × 10))	\$500	12,000	600
(((\$100 w/ \$100 BILL) × 4) + (\$10 × 10))	\$500	24,000	300
(((\$100 w/ \$100 BILL) × 4) + (\$20 × 5))	\$500	24,000	300
(\$100 w/ \$100 BILL) × 5	\$500	12,000	600
\$500 w/ SWIRL	\$500	24,000	300
\$500	\$500	24,000	300



When Any Of Your Numbers  
Match Any Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets:
MONEY BAGS w/ (( $\$100 \times 5$ ) + ( $\$50 \times 10$ ))	\$1,000	24,000	300
MONEY BAGS w/ (( $\$100 \times 6$ ) + ( $\$50 \times 4$ ) + ( $\$40 \times 5$ ))	\$1,000	24,000	300
\$100 $\times 10$	\$1,000	24,000	300
(( $\$100$ w/ $\$100$ BILL) $\times 5$ ) + (( $\$100$ w/ SWIRL) $\times 5$ )	\$1,000	24,000	300
\$1,000 w/ SWIRL	\$1,000	24,000	300
\$1,000	\$1,000	24,000	300
MONEY BAGS w/ (( $\$1,000 \times 5$ ) + ( $\$500 \times 10$ ))	\$10,000	720,000	10
\$10,000	\$10,000	720,000	10
\$30,000 w/ SWIRL	\$30,000	720,000	10
\$30,000	\$30,000	1,440,000	5
\$300,000	\$300,000	720,000	10

Reveal a "SWIRL" (SWIRL) symbol, win prize shown under that symbol automatically.

Reveal a "\$100 BILL" (WIN100) symbol, win \$100 instantly!

Reveal a "MONEY BAGS" (WINALL) symbol, win all 15 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$300,000 Mad Money instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$300,000 Mad Money, prize money from winning Pennsylvania \$300,000 Mad Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$300,000 Mad Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$300,000 Mad Money or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1616. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Pennsylvania \$1,000,000 Mad Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1,000,000 Mad Money.

2. *Price:* The price of a Pennsylvania \$1,000,000 Mad Money instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1,000,000 Mad Money instant game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "FAST \$50" area, a "FAST \$100" area and a "FAST \$500" area. Each "FAST" play area is played separately. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21



(TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Swirl (SWIRL) symbol, 10X (10TIMES) symbol and a Money Bags (WINALL) symbol. The play symbols and their captions located in the "FAST \$50" area are: Chest (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Bank (TRY AGAIN) symbol and a \$50 (WIN50) symbol. The play symbols and their captions located in the "FAST \$100" area are: Stack of Coins (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Piggy Bank (NO BONUS) symbol and a \$100 (WIN100) symbol. The play symbols and their captions located in the "FAST \$500" area are: Key (NO BONUS) symbol, Clover (TRY AGAIN) symbol, Lock (NO BONUS) symbol and a \$500 (WIN500) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$20,000 (TWY THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$20,000, \$100,000 and \$1,000,000. The prize that can be won in the "FAST \$50" area is \$50. The prize that can be won in the "FAST \$100" area is \$100. The prize that can be won in the "FAST \$500" area is \$500. A player can win up to 22 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania \$1,000,000 Mad Money instant game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1MILL (ONE MIL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20,000 (TWY THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$20,000 (TWY THO) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the "Prize" areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the "Prize" areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$900.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets with a \$500 (WIN500) symbol in the "FAST \$500" area, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$400 (FOR HUN) appears

in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "Prize" area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money Bags (WINALL) symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in all twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets with a \$100 (WIN100) symbol in the "FAST \$100" area, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets with a \$50 (WIN50) symbol in the "FAST \$50" area, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$40.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Swirl (SWIRL) symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area under that Swirl (SWIRL) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers  
Match Any Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$20 w/ SWIRL	\$20	12	400,000
\$20	\$20	15	320,000
(\$20 w/ SWIRL) × 2	\$40	60	80,000
\$40 w/ SWIRL	\$40	30	160,000
\$40	\$40	60	80,000
\$50 w/ FAST \$50	\$50	30	160,000
\$50 w/ SWIRL	\$50	42.86	112,000
\$50	\$50	300	16,000
\$20 × 5	\$100	300	16,000
\$50 × 2	\$100	300	16,000
(\$50 w/ FAST \$50) + \$50	\$100	150	32,000
\$100 w/ FAST \$100	\$100	100	48,000
(\$20 w/ SWIRL) × 5	\$100	300	16,000
\$100 w/ SWIRL	\$100	300	16,000
\$100	\$100	300	16,000
\$40 × 5	\$200	24,000	200
(\$50 w/ FAST \$50) + (\$50 × 3)	\$200	12,000	400

*When Any Of Your Numbers  
Match Any Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
(\$100 w/ FAST \$100) + (\$50 w/ FAST \$50) + (\$50 w/ SWIRL)	\$200	4,800	1,000
\$20 w/ 10X	\$200	2,400	2,000
\$200 w/ SWIRL	\$200	24,000	200
\$200	\$200	24,000	200
MONEY BAGS w/ (\$20 × 20)	\$400	8,000	600
\$50 × 8	\$400	24,000	200
(\$100 w/ FAST \$100) + (\$100 × 3)	\$400	24,000	200
(\$20 w/ 10X) × 2	\$400	12,000	400
\$40 w/ 10X	\$400	24,000	200
\$400 w/ SWIRL	\$400	24,000	200
\$400	\$400	24,000	200
(MONEY BAGS w/ (\$20 × 20)) + (\$100 w/ FAST \$100)	\$500	2,400	2,000
\$100 × 5	\$500	24,000	200
(\$100 w/ FAST \$100) + (\$50 w/ FAST \$50) + (\$50 × 7)	\$500	24,000	200
(\$100 w/ FAST \$100) + ((\$20 w/ 10X) × 2)	\$500	4,000	1,200
\$500 w/ FAST \$500	\$500	1,000	4,800
\$50 w/ 10X	\$500	4,000	1,200
\$500 w/ SWIRL	\$500	24,000	200
\$500	\$500	24,000	200
MONEY BAGS w/ ((\$100 × 5) + (\$40 × 10) + (\$20 × 5))	\$1,000	24,000	200
(MONEY BAGS w/ (\$50 × 10) + (\$40 × 10)) + (\$100 w/ FAST \$100)	\$1,000	24,000	200
(MONEY BAGS w/ (\$20 × 20)) + (\$500 w/ FAST \$500) + (\$100 w/ FAST \$100)	\$1,000	24,000	200
\$500 × 2	\$1,000	24,000	200
(\$500 w/ FAST \$500) + (\$100 w/ FAST \$100) + (\$40 w/ 10X)	\$1,000	24,000	200
(\$500 w/ FAST \$500) + \$500	\$1,000	24,000	200
\$1,000 w/ SWIRL	\$1,000	24,000	200
\$1,000	\$1,000	24,000	200
\$20,000 w/ SWIRL	\$20,000	960,000	5
\$20,000	\$20,000	960,000	5
\$100,000 w/ SWIRL	\$100,000	960,000	5
\$100,000	\$100,000	960,000	5
\$1,000,000	\$1,000,000	960,000	5

Reveal a "SWIRL" (SWIRL) symbol, win prize shown under that symbol automatically.

Reveal a "10X" (10TIMES) symbol, win 10 times the prize shown under that symbol.

Reveal a "MONEY BAGS" (WINALL) symbol, win all 20 prizes shown!

FAST \$50: Reveal a "\$50" (WIN50) symbol, win \$50!

FAST \$100: Reveal a "\$100" (WIN100) symbol, win \$100!

FAST \$500: Reveal a "\$500" (WIN500) symbol, win \$500!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$1,000,000 Mad Money instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a



winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1,000,000 Mad Money, prize money from winning Pennsylvania \$1,000,000 Mad Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1,000,000 Mad Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$1,000,000 Mad Money or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1617. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Pennsylvania Creepy Cash Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Creepy Cash.

2. *Price:* The price of a Pennsylvania Creepy Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Creepy Cash instant lottery game ticket will contain one play area featuring 12 play symbols and their captions. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Ghost (GHOST) symbol, Spider (WIN20) symbol and a Spooky Eyes (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$40<sup>.00</sup> (FORTY), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. The player can win up to 12 times on the ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct one Screamin' 7s Second-Chance Drawing for which non-winning Pennsylvania Lottery Creepy Cash instant game tickets may be eligible, as provided for in section 10.

7. *Approximate Number of Tickets Printed for the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Creepy Cash instant lottery game.

### 8. Determination of Prize Winners:

(a) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Spooky Eyes (WINALL) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in eight of the "Prize" areas and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Spooky Eyes (WINALL) symbol in the play area and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in two of the "Prize" areas and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with a Spooky Eyes (WINALL) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Spooky Eyes (WINALL) symbol in the play area and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in two of the "Prize" areas, a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in two of the "Prize" areas and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in eight of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Spooky Eyes (WINALL) symbol in the play area and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in eight of the "Prize" areas and a

prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with a Spider (WIN20) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Spider (WIN20) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with a Ghost (GHOST) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A "GHOST" (GHOST) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$5	\$5	8.57	630,000
\$5 × 2	\$10	20	270,000
\$10	\$10	60	90,000
\$5 × 4	\$20	600	9,000
\$10 × 2	\$20	600	9,000
\$20 w/ SPIDER	\$20	35.29	153,000
\$20	\$20	600	9,000
\$5 × 8	\$40	600	9,000
\$10 × 4	\$40	600	9,000
(\$20 w/ SPIDER) × 2	\$40	300	18,000
\$40	\$40	600	9,000
\$5 × 10	\$50	600	9,000
\$10 × 5	\$50	600	9,000
(((\$20 w/ SPIDER) × 2) + (\$5 × 2))	\$50	300	18,000
\$50	\$50	600	9,000
SPOOKY EYES w/ ((\$10 × 8) + (\$5 × 4))	\$100	461.54	11,700
SPOOKY EYES w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	461.54	11,700
\$20 × 5	\$100	2,400	2,250
\$50 × 2	\$100	2,400	2,250
(\$20 w/ SPIDER) × 5	\$100	750	7,200
\$100	\$100	2,400	2,250
SPOOKY EYES w/ ((\$100 × 2) + (\$20 × 10))	\$400	24,000	225
\$40 × 10	\$400	120,000	45
\$50 × 8	\$400	120,000	45
\$100 × 4	\$400	120,000	45
(((\$20 w/ SPIDER) × 10) + (\$100 × 2))	\$400	120,000	45
\$400	\$400	120,000	45
SPOOKY EYES w/ ((\$50 × 2) + (\$40 × 10))	\$500	20,000	270
\$50 × 10	\$500	120,000	45
\$100 × 5	\$500	120,000	45
(((\$20 w/ SPIDER) × 5) + \$400)	\$500	120,000	45
\$500	\$500	120,000	45
SPOOKY EYES w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	540,000	10
\$500 × 2	\$1,000	540,000	10
\$1,000	\$1,000	540,000	10
\$50,000	\$50,000	540,000	10

Reveal a "SPIDER" (WIN20) symbol, win \$20 instantly.

Reveal a "SPOOKY EYES" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing*: Pennsylvania Lottery's Screamin' 7s Second-Chance Drawing (hereafter, the "Drawing"):

(a) *Qualifying Tickets*: Non-winning PA-1237 Creepy Cash (\$5) and PA-1238 Pumpkin Patch Scratch (\$2) instant game tickets ("Qualifying Tickets") are eligible for entry into the Drawing.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/Vip-players-club/Login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries awarded will be applied to the Drawing at the time of successful submission of the entry. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description*:

(1) The Lottery will conduct one Screamin' 7s Second-Chance Drawing. All time references are Eastern Prevailing Time.

(2) All Drawing entries received after 11:59:59 p.m. September 18, 2016, through 11:59:59 p.m. November 3, 2016, will be entered into the Drawing, held between November 4, 2016 and November 8, 2016.

(3) The entry periods for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) The number of entries an entrant receives is determined by the purchase price of the Qualifying Ticket entered into the Drawing. Each PA-1237 Creepy Cash (\$5) Qualifying Ticket will receive five (5) entries and each PA-1238 Pumpkin Patch Scratch (\$2) Qualifying Ticket will receive two (2) entries.

(5) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by seven (7). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(6) Players may review their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning*:

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c).

(3) The first entry selected from the total number of entries awarded in the Drawing will be a winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of \$70,000.

(4) The second through the eleventh entries selected from the total number of entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$7,000.

(5) The twelfth through the thirty-first entries selected from the total number of entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$700.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of an entry being selected in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer generated randomizer will be used to select the winning entries for the Drawing.

(e) *Drawing Restrictions*:

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible cellular telephones or internet browsers, mobile lottery application failure, or other technical issues. If a Drawing entry is selected as a winner and rejected during or following the Drawing, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or



impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) The payment of a prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Creepy Cash instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Creepy Cash, prize money from winning Pennsylvania Creepy Cash

instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Creepy Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Creepy Cash or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 16-1618. Filed for public inspection September 16, 2016, 9:00 a.m.]

## Pennsylvania Pumpkin Patch Scratch Instant Lottery Game

Under that State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pumpkin Patch Scratch.

2. *Price:* The price of a Pennsylvania Pumpkin Patch Scratch instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Pumpkin Patch Scratch instant lottery game ticket will contain one play area containing twelve prize symbols and a separate “BONUS” area containing one prize symbol. The “BONUS” area is played separately. The play symbols and their captions, located in the play area are: Broom (BROOM) symbol, Candelabra (CNDLBR) symbol, Candy Corn (CANDY) symbol, Skull (SKULL) symbol, Cauldron (CAULDRN) symbol, Coins (COINS) symbol, Frog (FROG) symbol, Fog (FOG) symbol, Hat (HAT) symbol, House (HOUSE) symbol, Monster (MONSTR) symbol, Moon (MOON) symbol, Owl (OWL) symbol, Bat (BAT) symbol, Snake (SNAKE) symbol, Black Cat (CAT) symbol and a 5X (5TIMES) symbol. The play symbols and their captions located in the “BONUS” area are: Spider (NO BONUS) symbol, Mouse (TRY AGAIN) symbol, Witch (NO BONUS) symbol and a Pumpkin (WIN10) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$25.<sup>00</sup> (TWY FIV), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$31,000 (TRYONETHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$200, \$1,000 and \$31,000. The prize that can be won in the “BONUS” area is \$10. The player can win up to 12 times on the ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct one Screamin' 7s Second-Chance Drawing for which non-winning Pennsylvania Pumpkin Patch Scratch instant lottery game tickets may be eligible, as provided for in section 10.

7. *Approximate Number of Tickets Printed for the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Pumpkin Patch Scratch instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$31,000 (TRYONETHO) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(b) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any of your play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of your play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$20.00 (TWENTY) appears in the "prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$50.00 (FIFTY) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any of your play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$10.00 (TEN DOL) appears in the "prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$25.00 (TWY FIV) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any of your play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$5.00 (FIV DOL) appears in the "prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$20.00 (TWENTY) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any of your play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$4.00 (FOR DOL) appears in the "prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$10.00 (TEN DOL) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any of your play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$2.00 (TWO DOL) appears in the "prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a Pumpkin (WIN10) symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$5.00 (FIV DOL) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$4.00 (FOR DOL) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with a Black Cat (CAT) symbol in the play area, and a prize symbol of \$2.00 (TWO DOL) appears in the "prize" area under that Black Cat (CAT) symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "BLACK CAT" (CAT)  
Symbol, Win Prize Shown  
Under That Symbol. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets
\$2	\$2	9.38	576,000
\$2 × 2	\$4	37.50	144,000
\$4	\$4	33.33	162,000
\$5	\$5	34.88	154,800
\$5 × 2	\$10	1,500	3,600
\$10 w/ BONUS	\$10	107.14	50,400
\$2 w/ 5X	\$10	107.14	50,400
\$10	\$10	1,500	3,600
\$2 × 10	\$20	1,500	3,600

Reveal A "BLACK CAT" (CAT)  
Symbol, Win Prize Shown  
Under That Symbol. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets
\$10 × 2	\$20	1,500	3,600
(\$10 w/ BONUS) + (\$2 × 5)	\$20	300	18,000
(\$2 w/ 5X) × 2	\$20	750	7,200
\$4 w/ 5X	\$20	750	7,200
\$20	\$20	1,500	3,600
(\$5 × 3) + (\$2 × 5)	\$25	1,500	3,600
(\$10 w/ BONUS) + (\$5 × 3)	\$25	1,500	3,600
(\$10 w/ BONUS) + (\$2 w/ 5X) + \$5	\$25	1,500	3,600
\$5 w/ 5X	\$25	1,500	3,600
\$25	\$25	1,500	3,600
\$5 × 10	\$50	6,000	900
\$25 × 2	\$50	12,000	450
(\$10 w/ BONUS) + (\$20 × 2)	\$50	750	7,200
(\$5 w/ 5X) × 2	\$50	2,400	2,250
\$10 w/ 5X	\$50	2,400	2,250
\$50	\$50	12,000	450
\$10 × 10	\$100	12,000	450
\$50 × 2	\$100	12,000	450
(\$10 × 8) + (\$5 × 4)	\$100	12,000	450
(\$10 w/ BONUS) + (\$10 w/ 5X) + (\$20 × 2)	\$100	6,000	900
(\$2 w/ 5X) × 10	\$100	6,000	900
\$20 w/ 5X	\$100	6,000	900
\$100	\$100	12,000	450
\$20 × 10	\$200	120,000	45
\$100 × 2	\$200	120,000	45
(\$20 w/ 5X) × 2	\$200	24,000	225
\$200	\$200	120,000	45
(\$100 × 8) + (\$50 × 4)	\$1,000	1,080,000	5
(\$100 w/ 5X) × 2	\$1,000	540,000	10
\$1,000	\$1,000	1,080,000	5
\$31,000	\$31,000	540,000	10

Reveal a "5X" (5TIMES) symbol, win 5 times the prize shown under that symbol.

BONUS: Reveal a "PUMPKIN" (WIN10) symbol, win \$10 instantly.

Bonus is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing*: Pennsylvania Lottery's Screamin' 7s Second-Chance Drawing (hereafter, the "Drawing"):

(a) *Qualifying Tickets*: Non-winning PA-1237 Creepy Cash (\$5) and PA-1238 Pumpkin Patch Scratch (\$2) instant game tickets ("Qualifying Tickets") are eligible for entry into the Drawing.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/Vip-players-club/Login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries awarded will be applied to the Drawing at the time of successful submission of the entry. No other method of submission will be accepted. Entries submitted using any other

method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description*:

(1) The Lottery will conduct one Screamin' 7s Second-Chance Drawing. All time references are Eastern Prevailing Time.

(2) All Drawing entries received after 11:59:59 p.m. September 18, 2016, through 11:59:59 p.m. November 3, 2016, will be entered into the Drawing, held between November 4, 2016 and November 8, 2016.

(3) The entry periods for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) The number of entries an entrant receives is determined by the purchase price of the Qualifying Ticket



entered into the Drawing. Each PA-1237 Creepy Cash (\$5) Qualifying Ticket will receive five (5) entries and each PA-1238 Pumpkin Patch Scratch (\$2) Qualifying Ticket will receive two (2) entries.

(5) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by seven (7). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(6) Players may review their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c).

(3) The first entry selected from the total number of entries awarded in the Drawing will be a winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of \$70,000.

(4) The second through the eleventh entries selected from the total number of entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$7,000.

(5) The twelfth through the thirty-first entries selected from the total number of entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$700.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of an entry being selected in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer generated randomizer will be used to select the winning entries for the Drawing.

(e) *Drawing Restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible cellular telephones or internet browsers, mobile lottery application failure, or other technical issues. If a Drawing entry is selected as a winner and rejected during or following the Drawing, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of

residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) The payment of a prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Pumpkin Patch Scratch instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled

only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Pumpkin Patch Scratch, prize money from winning Pennsylvania Pumpkin Patch Scratch instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Pumpkin Patch Scratch instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Pumpkin Patch Scratch or through normal communications methods.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 16-1619. Filed for public inspection September 16, 2016, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 6—City of Pittsburgh, 23rd Ward, Allegheny County. The parcel contains approximately 3,245.77 ± square feet of unimproved land located along Troy Hill Road, near SR 0028. The estimated fair market value of the parcel is \$11,700.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to H. Daniel Cessna, PE, District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-1620. Filed for public inspection September 16, 2016, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### National Parks Conservation Association v. DEP and Turnpike Commission, Permittee; EHB Doc. No. 2016-122-L

National Parks Conservation Association has appealed the issuance by the Department of Environmental Protection of an NPDES permit to the Turnpike Commission for stormwater discharges associated with construction activities in Tredyffrin and Upper Merion Townships, Chester and Montgomery Counties.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 16-1621. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Valley Forge Chapter, Trout Unlimited, Inc. v. DEP and Turnpike Commission, Permittee; EHB Doc. No. 2016-121-L

Valley Forge Chapter, Trout Unlimited, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to the Turnpike Commission for stormwater discharges associated with construction activities in Tredyffrin and Upper Merion Townships, Chester and Montgomery Counties.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 16-1622. Filed for public inspection September 16, 2016, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations; Minsi Lake, Northampton County

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.25

(relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Minsi Lake, Northampton County in anticipation of a drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, except trout, effective September 3, 2016. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities at this lake.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until the lake is closed to public use.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-1623. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Big Bass Lake Community Association	Larsen Lake N 41.252061 W -75.457313	Gouldsboro, Covington Township, Lackawanna County	52.5-acre lake discharges to Lake Natalie to the Lehigh River	<i>Fanwort, Parrotfeather, White Water Lily, Watershield</i>
Big Bass Lake Community Association	Lake Natalie N 41.247779 W -75.466133	Gouldsboro, Covington Township, Lackawanna County	36.1-acre lake discharges to the Lehigh River	<i>Fanwort, Parrotfeather, White Water Lily</i>
Big Bass Lake Community Association	Big Bass Lake N 41.2533 W -75.495	Clifton Township, Lackawanna County	92.7-acre lake discharges to Tamarack Creek and Meadow Brook to the Lehigh River	<i>Bladderwort, Brittle Naiad, Nitella, Slender Naiad</i>

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-1624. Filed for public inspection September 16, 2016, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.



<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
3-54	Department of Banking and Securities Securities Regulations Omnibus Amendment 46 Pa.B. 3420 (July 2, 2016)	08/01/16	8/31/16
47-17	Milk Marketing Board Uniform System of Accounts 46 Pa.B. 3655 (July 9, 2016)	08/08/16	9/7/16

**Department of Banking and Securities  
Regulation # 3-54 (IRRC # 3152)  
Securities Regulations Omnibus Amendment  
August 31, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the July 2, 2016 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Banking and Securities (Department) to respond to all comments received from us or any other source.

**1. Section 102.021. Definitions.—Clarity.**

We have two concerns with this section. First, several definitions included in this section of the rulemaking include a reference to the definition as it is defined in the Pennsylvania Securities Act of 1972 (Act) (70 P.S. §§ 1-101—1-703.1). These definitions also include other language added by the Department to explain the full meaning of the terms being defined. In order for a person to understand the full meaning of the definition, that person must read the Act and the regulation together. Similarly, some definitions reference a federal rule “or successor rule.” For example, see the definitions for “accredited investor” and “branch office.” We believe the clarity of the rulemaking would be improved if the definitions included the language from the statutory or federal regulatory definitions instead of simply referencing those definitions.

Second, a commentator has identified terms that are used in the body of the regulation, but are not defined in this section of the rulemaking. We agree that clarity could be improved if definitions for the following terms were added to the rulemaking: auditor’s report; aggregate indebtedness; commission (as it relates to compensation); direct participation program; EFD; financial statements; national securities association; national securities exchange; national recognized statistical rating organization; PCAOB; and self-regulatory organization.

**2. Section 302.070. Registration exemption for investment advisers to private funds.—Consistency with statutes.**

Subsection (e)(2) states that the Department will consider a report filed when the report and fee required under Section 602.1 of the Act (70 P.S. § 1-602.1) are filed and accepted by the Investment Adviser Registration Depository on the Department’s behalf. We note that Section 602.1 of the Act references assessments, not fees. Is the citation to Section 602.1 of the Act accurate? If it is, we recommend that the terminology in the regulation be aligned with the terminology of the Act.

**3. Section 305.019. Dishonest and unethical practices.—Consistency with statutes.**

A commentator has noted that Section 305(a)(ix) of the Act (70 P.S. § 1-305(a)(ix)) was amended in 2014 and

suggested that Subsection (b) of the rulemaking be amended to reflect the statutory change. We agree with the commentator and, for consistency with the Act, suggest that the phrase, “within the previous 10 years” be added to the end of Subsection (b).

**4. Chapter 701. Administrative provisions.—Clarity.**

Four new sections are being added to Chapter 701. The sections relate to filing of registration forms, filing of exemption forms, electronic filing, and fees. We have two concerns. First, these sections do not provide specific requirements for the various types of filings. Instead, reference is made to General Instructions that are available on the Department’s website and a requirement to comply with those instructions. While this approach provides flexibility to the Department, it circumvents the regulatory review process because it does not provide an opportunity for interested parties to comment on the General Instructions. The General Instructions would be equivalent to a regulation. However, the Department would be able to amend the instructions at any time without initiating a new rulemaking. We recommend that the final-form rulemaking be amended to include specific details related to the subject matters noted above.

Second, § 701.010a(b) includes a reference to the term “Bureau.” This is an undefined term. We recommend that it either be defined or replaced with the defined term “Department.”

**Milk Marketing Board  
Regulation # 47-17 (IRRC # 3154)  
Uniform System of Accounts  
September 7, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the July 9, 2016 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Milk Marketing Board (Board) to respond to all comments received from the Independent Regulatory Review Commission (Commission) or any other source.

**1. Determining whether the regulation is in the public interest.**

*Regulatory Analysis Form (RAF), Consistency with statute, Reasonableness, Clarity and Implementation procedures*

The responses to RAF Questions 26 and 27, imply that the Board intends to set reporting requirements and deadlines in forms, rather than in the regulation. The Board cites 31 P.S. § 700j-307 as its statutory authority. The statute states “. . . the board shall adopt and enforce all rules, regulations and orders necessary or appropriate to carry out the provisions of this act. . . .” The cited statutory provision does not mention enforcement of forms.

Specifically, the response to RAF Question 26 states:

We are in continuing communication with the regulated community to consider any alternatives to the proposed regulations and our implementation of them. We believe the proposed regulation is the least burdensome acceptable alternative. We also believe that establishing categories of costs in new section 149.46, and fleshing them out in the reporting process, rather than attempting to be overly specific at this stage of the process, we are complying with our obligation to establish the uniform system of accounts, without imposing unnecessary and potentially burdensome detail in the regulations. Section 149.46 does allow the agency to require the cooperatives to include any of the information that dealers are required to provide.

Additionally, the response to RAF Question 27 states directly that “new regulation 149.46 allows the agency to establish reporting requirements and deadlines in reporting forms which the Board will issue.”

We note that a regulation establishes a binding norm between the regulated community and the Board. A regulation is developed in accordance with the RRA which provides for public notice, public comments, standing committee comments, Commission comments, agency consideration of those comments, and to the greatest extent possible, resolution of objections and the reaching of consensus on any concerns raised in comments. The RRA provides an open process with specific requirements for information and criteria to be considered in determining whether the regulation is in the public interest. Forms developed by the Board staff would not meet these requirements. Furthermore, Board staff could amend the requirements and deadlines in forms without notice, input from interested parties, or consideration of the requirements in the RRA, including costs imposed on the private sector, adverse effects on competition, reasonableness and clarity.

Accordingly, we question the Board’s authority to enforce requirements and deadlines that are set forth in forms. Clear cost categories and associated requirements, including reporting deadlines, should be set forth in the regulation so that the public, standing committees and the Commission can evaluate them so that they have the full force and effect of law and the regulated community understands the requirements imposed on them by the Board.

Based on discussion with Board staff, it is our understanding that the Board does not intend to set reporting requirements in forms. However, since the forms were not included with the proposed rulemaking, the regulated community, standing committees and the Commission did not have an opportunity to evaluate the information on the forms in relation to the review criteria contained in the RRA at 71 P.S. § 745.5b.

Therefore, we recommend that the final-form regulation clearly set forth the reporting requirements and deadlines for cooperatives. Furthermore, the associated forms must be submitted with the final regulation. Finally, the RAF and preamble should be updated to clearly reflect that forms will not be used to usurp or add regulatory requirements, but will be used to implement reporting required by the regulation.

## **2. Accurate and reliable cost figures—Clarity; Feasibility; Implementation procedures**

The comments of the Pennsylvania Association of Milk Dealers and the Pennsylvania Institute of Certified Public

Accountants include and support testimony provided to the Board on March 23, 2016, by Mr. Carl Herbein, a Certified Public Accountant. We note this testimony occurred prior to submittal of the proposed regulation and that amendments were made to the regulation by the Board after March 23. The testimony alleges that the regulation will not provide sufficient detail to bring about accurate and reliable cost figures.

To the contrary, the Pennsylvania Association of Dairy Cooperatives commented that the regulation will more accurately reflect current accounting and business practices. We ask the Board to review the requirements in the regulation and explain in the final-form regulation submittal how the regulation will produce accurate and reliable cost figures.

## **3. Section 149.46. Cooperative cost centers.—Consistency with statute; Economic impact; Reasonableness; Clarity.**

### *Paragraph (a)(9) General and administrative.*

This paragraph ends with the phrase “. . . based on an allocation method acceptable to the Board.” This phrase is vague. Since the regulation does not prescribe an allocation method acceptable to the Board, the regulated community cannot know how to comply with the regulation. We recommend deleting the phrase “based on an allocation method acceptable to the Board” from the regulation and specifying the allocation method in the final-form regulation.

### *Subsection (b)*

The first sentence includes non-regulatory language that fails to establish a binding norm between the Board and the regulated community. The phrase “and any other information required by the Board” would permit the Board to expand reporting requirements outside of the regulatory process without notice. The sentence also includes the phrase “in accordance with reporting forms issued by the Board which will include instructions and reporting deadlines.” The regulated community should be able to determine reporting deadlines by reading the regulation. Therefore, we recommend that this sentence be revised to remove the non-regulatory language and add the reporting deadlines.

Similarly, the second sentence is not clear. It does not provide specific requirements for compliance by the regulated community, but only states the cooperatives’ requirements “may also include the information that dealers are required to provide.” We also recommend deleting this sentence. As noted above, the complete list of reporting requirements should be set forth in the body of the regulation.

### *Subsection (c)*

This subsection limits cost allocations to milk marketing activities for their producers, but concludes with the phrase “unless otherwise directed by the Board.” This phrase would empower the Board to amend the requirements of this subsection outside of the RRA. If the Board wants to change the requirements in the regulation, it must do so by amending the regulation. We recommend deleting the phrase “unless otherwise directed by the Board.”

## **4. Generally Accepted Accounting Principles (GAAP).—Clarity.**

Three commentators stated the regulation should include language to require compliance with GAAP. We agree.

### 5. Regulatory Analysis Form.

As stated above, 1 Pa. Code §§ 305.1(b)(1) and 307.2(c)(1) require the agency to submit a completed RAF. We have three concerns:

- The response to RAF Question 22 states the reporting form for the costs related to new section 149.46 is still being developed and the current version is attached ("Cooperative 60c Reporting Form"). We did not find a form attached to the proposed regulation.
- The responses to RAF Questions 19 and 23 show an estimate of an initial cost of \$15,000 for the regulated community and \$9,200 thereafter. One commentator believes the cost is understated; whereas another commen-

tator states they are willing to bear the estimated costs. We ask the Board to review the cost estimates and explain further how the estimates were developed.

- RAF Questions (15), (16) and (17) ask the agency to identify affected entities, including small businesses, to list them and to estimate the impact on them. We ask the Board to directly address small businesses in these responses.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-1625. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-461	Department of Transportation Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic	8/31/16	10/20/16
6-334	State Board of Private Licensed Schools Fees	9/7/16	10/20/16

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-1626. Filed for public inspection September 16, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Eileen Hoy Barndt under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF16-08-015

A prehearing telephone conference initiated by the Insurance Department is scheduled for October 18, 2016, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 14, 2016. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 3, 2016, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before October 14, 2016.

Persons with a disability who wish to participate in the proceedings in this case and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1627. Filed for public inspection September 16, 2016, 9:00 a.m.]

### Long Term Care Partnership Program Revised Guidance Announcement; Notice 2016-11

This notice provides guidance that supersedes paragraph C of Notice 2008-05, published at 38 Pa.B. 1907 (April 19, 2008), regarding inflation protection for Qualified Partnership Policies, and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

As explained in Notice 2008-05, as of July 1, 2007, the Commonwealth has had a qualified long-term care insurance partnership (Qualified Partnership) in accord with the Deficit Reduction Act of 2005 (Pub.L. No. 109-171) (DRA). As explained in Notice 2008-05, Qualified Partnership Policies (Qualified Partnership Policy) may provide valuable protections to purchasers of Qualified State Long Term Care Insurance policies. Qualified Partnership Policies permit individuals to protect certain resources if eligibility under the Medical Assistance Program is ever needed. The protection of resources when determining an individual's eligibility for Pennsylvania's Medical Assistance—Long Term Care Program permits the disregard of specific resources equal to the amount of insurance benefits that were paid from a Qualified Partnership Policy. If those specific resources are still in existence at the time of the individual's death and become part of the decedent's probate estate, they will not be recoverable under Pennsylvania's Medical Assistance Estate Recovery program.

Since the Qualified Partnership has been in place, it has become clear that additional flexibility in the levels of inflation protection necessary under the DRA would benefit consumers by allowing more affordable coverage



options while still providing meaningful inflation protection to consumers. Therefore, the Department hereby revises its guidance to insurers and insurance producers in paragraph C of Notice 2008-05 concerning inflation protection for Qualified Partnership policies:

**C. Inflation Protection.** The DRA, at 42 U.S.C.A. § 1396p(b)(1)(A)(iii)(IV), requires that Qualified Partnership Policies provide certain levels of inflation protection based on the age of the individual as of the date of policy purchase. Pennsylvania will certify inflation protection options as meeting the DRA requirements subject to the following:

1) "Compound annual inflation protection" means compound coverage that automatically increases annually at a rate equal to the Consumer Price Index (CPI) or at a fixed rate of not less than 1%. Note that 31 Pa. Code § 89a.112 (relating to requirement to offer inflation protection) requires an offer of 5% compound annual inflation protection be made on all long term care policies offered in Pennsylvania.

2) "Some level of inflation protection" means either compound or simple inflation protection at a rate equal to the CPI or at a fixed rate of not less than 1%.

3) A future or guaranteed purchase option for inflation protection does not meet the requirements of the DRA.

4) Inflation protection options with a limited term (that is, 10 years or 20 years) do not meet the requirements of the DRA.

5) Inflation protection options that reduce the level of inflation protection as the individual ages are permitted only insofar as they are consistent with the age-specific inflation protection levels outlined in the DRA.

6) The inflation protection level of an individual's policy that is in effect as of the month of application for Medical Assistance is determinative of whether the policy is consistent with the inflation protection levels outlined in the DRA.

Finally, the Department has modified Attachment C, the Policyholder Notification of Policy Status, to reflect the fact that the level of inflation protection on a policy may change from the level at the time of issuance to a lower level that still is consistent with the inflation protection levels outlined in the DRA. The Insurance Department requests that issuers provide a notification regarding the status of any Qualified Partnership Policy against which claims have been made, upon request of the policyholder, policyholder representative, or the Department of Human Services.

The remainder of Notice 2008-05 remains as published therein.

Interested parties are invited to submit written comments, suggestions or objections to Bureau of Life, Accident and Health, Office of Insurance Product Regulation, 1326 Strawberry Square, Harrisburg, PA 17120, [rateform@pa.gov](mailto:rateform@pa.gov), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Insurance Commissioner

### Revised Attachment C

Policyholder Long Term Care Partnership (LTCP) Program Status Form

[Issuer Letterhead]

#### LONG TERM CARE PARTNERSHIP PROGRAM POLICY SUMMARY

1. Name of insured \_\_\_\_\_
  2. Policy/certificate number \_\_\_\_\_
  3. Effective date of coverage \_\_\_\_\_
  4. The policy/certificate was issued in the state of \_\_\_\_\_
  5. Issue age of the insured at the time the coverage was issued \_\_\_\_\_
  6. The policy/certificate was issued ☐ With ☐ Without inflation coverage
  7. The inflation coverage at the time of issuance was ☐ Simple Inflation ☐ Compound Inflation ☐ None
  8. The inflation coverage currently in effect on the coverage is ☐ Simple Inflation ☐ Compound Inflation ☐ None
  9. The policy meets the standards of a tax qualified long-term care policy ☐ Yes ☐ No
  10. The cumulative dollar amount of insurance benefits paid \$\_\_\_\_\_
- (Note: The indicated amount does not include any payments for cash surrender, return of premium death benefits, or waiver of premium, and if joint coverage, the amount is for the indicated insured only)
11. The total dollar amount of insurance benefits remaining available under the policy \$\_\_\_\_\_
  12. Date this form was completed \_\_\_\_\_
  13. The name, phone number and email address of the person completing this form \_\_\_\_\_

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

I hereby certify that the above information is true and accurate to the best of my knowledge at the time of this certification.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

[Pa.B. Doc. No. 16-1628. Filed for public inspection September 16, 2016, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Manual No. 110.1—2017-18 Budget Instructions, Amended August 15, 2016.

Management Directive No. 245.19—Enterprise Technology Security Council, Amended August 17, 2016.

Management Directive No. 315.30—Local Services Tax, Dated August 29, 2016.

Management Directive No. 535.3—Out-Service Training, Amended August 17, 2016.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 16-1629. Filed for public inspection September 16, 2016, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 3, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons* as described under each application.

**A-2016-2541981. Rider Express, Inc.** (30 Stoneburg Road, Rossiter, PA 15772-9000) A corporation of the Commonwealth of Pennsylvania—for the right to begin to transport, by motor vehicle, persons upon call or demand, in Clearfield, Indiana and Jefferson Counties.

**A-2016-2563568. Peggy Ann Swartz** (P.O. Box 107, Madisonburg, Centre County, PA 16852) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Centre County, to points in Pennsylvania, and return.

**A-2016-2564093. Max Reeder and Margaret Reeder** (118 Green Street, Muncy, Lycoming County, PA 17756) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-1630. Filed for public inspection September 16, 2016, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Tiffany Termeer Brownlee, RN, Respondent; File No. 13-51-05853; Doc. No. 1787-51-14

#### *Notice to Tiffany Termeer Brownlee, RN:*

On October 22, 2014, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

#### **Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-1631. Filed for public inspection September 16, 2016, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Vicki Lee Hayostek, LPN, Respondent; File No.  
15-51-00478; Doc No. 0537-51-16**

*Notice to Vicki Lee Hayostek, LPN:*

On March 14, 2016, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law, Act of March 2, 1955, P.L. (1955) 1211, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

**Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the proce-

dures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-1632. Filed for public inspection September 16, 2016, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Erin Marie Kovac, LPN; File No. 14-51-13647;  
Doc. No. 1223-51-2015**

On June 13, 2016, Erin Marie Kovac, LPN, license No. PN283382, last known of Altoona, Blair County, was indefinitely suspended and required to pay \$600 cost of investigation based on being addicted to alcohol or addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-1633. Filed for public inspection September 16, 2016, 9:00 a.m.]



**Bureau of Professional and Occupational Affairs v.  
Robert Francis Pryzmenski, RN, Respondent;  
File No. 15-51-04149; Doc. No. 1958-51-15**

*Notice to Robert Francis Pryzmenski, RN:*

On November 04, 2015, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

**Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-1634. Filed for public inspection September 16, 2016, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Maryfrances Williams, LPN a/k/a Maryfrances  
Hudec, LPN; File No. 14-51-03018; Doc. No.  
1618-51-14**

On July 28, 2016, Maryfrances Williams, LPN a/k/a Maryfrances Hudec, LPN, Pennsylvania license No. PN101608L, last known of Columbiana, AL, was reprimanded and assessed a civil penalty of \$1,000 based on receiving disciplinary action by the proper licensing authorities of Alabama and North Carolina and failing to report the disciplinary action to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the Board's decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-1635. Filed for public inspection September 16, 2016, 9:00 a.m.]



